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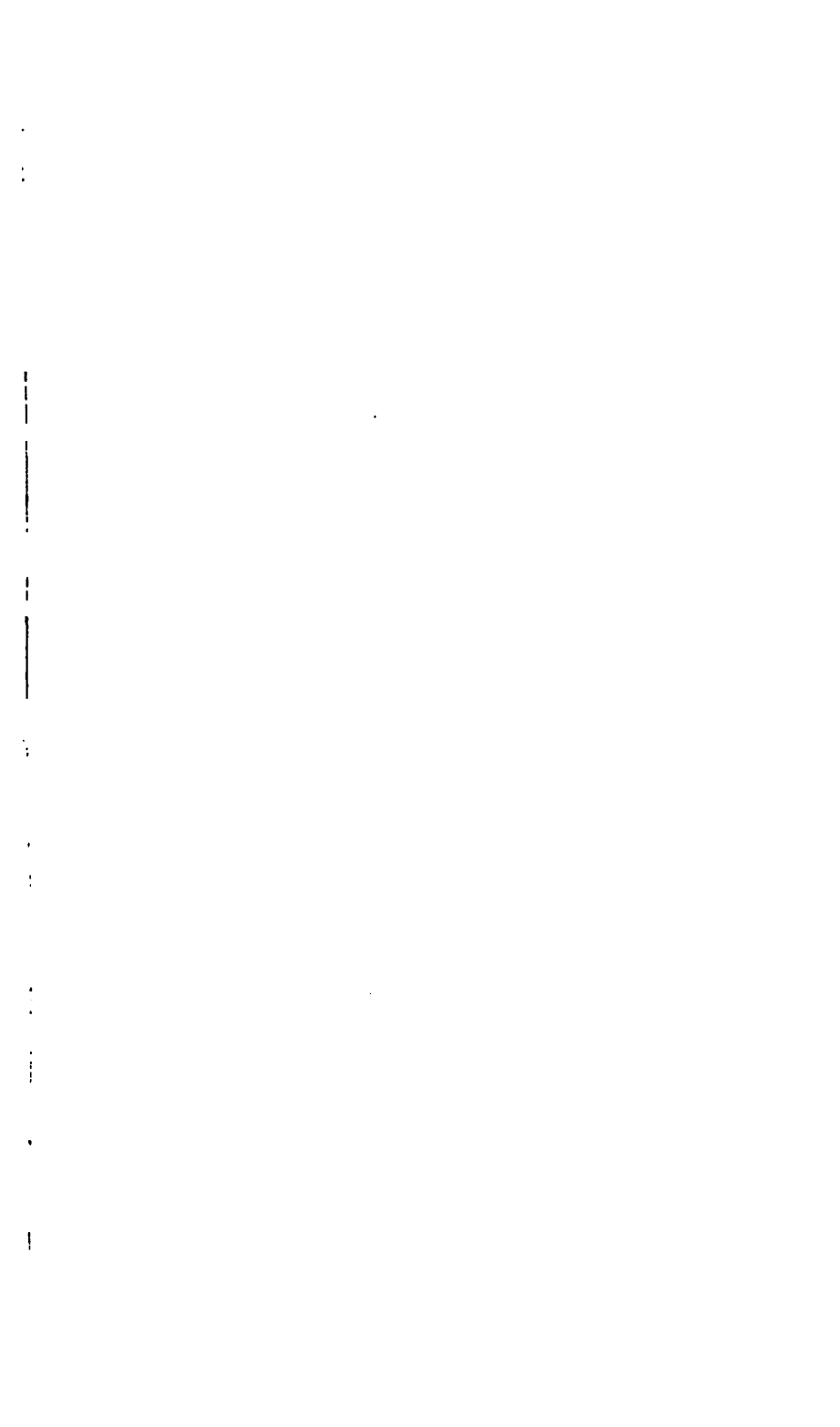
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PUBLIC ACTS

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STATE OF TENNESSEE,

PASSED AT THE FIRST SESSION OF THE

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FOR THE YEARS 1859-60.

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imprisoned, until the limitation of the time aforesaid, has expired after the respective disabilities are removed.

SEC. 2. *Be it enacted*, That this act shall take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, October 20, 1859.

CHAPTER 2.

AN ACT to repeal section 1624 of the Code.

Be it enacted by the General Assembly of the State of Tennessee, That section 1624 of the Code, be and the same is hereby repealed. Also, section 5355 on the same subject is repealed, so far as it inflicts a penalty.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, November 2, 1859

CHAPTER 3.

AN ACT to secure the Rights of Widows dissenting from their Husband's Wills.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That when a husband shall die, leaving a will from which the widow dissents, within the time and in the manner now provided by law, and leaving no child, or not more than two, his widow shall be entitled to one-third part of the personal estate, in addition to her dower in the real estate as now provided by law. But if the husband have more than two children, the widow shall share equally with all the children, she being entitled to a child's part.

SEC. 2. *Be it enacted*, That this act shall be in force from the day of its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, November 3, 1859.

CHAPTER 4.

AN ACT to Regulate the Practice in obtaining Writs of Error.

Be it enacted by the General Assembly of the State of Tennessee, That any person may obtain a writ of error, without *supersedeas*, by giving bond and security for costs alone, if application therefor be made within the time now provided by law for such writ; or if unable to give security, then he may pauperize.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, November 11, 1859.

CHAPTER 5.

AN ACT to repeal section 2686 inclusive to section 2691.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That section two thousand eight hundred and eighty-six, inclusive, to section two thousand eight hundred and ninety-one, article 1st, chapter 9th, part 3d, of the Code, be and the same is hereby repealed.

SEC. 2. *Be it enacted,* That this act take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, November 18, 1859.

CHAPTER 6.

AN ACT to amend the law relative to Special Criminal Courts, and also to amend the laws relative to Bills of Costs in Criminal Cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the special criminal courts shall have the power to render judgments by motion in

favor of securities, as against principals, or in favor of co-securities, as against each other, upon any judgment rendered in said courts, upon the same terms and conditions as regards notice the party sought to be made liable, that the circuit courts have.

SEC. 2. *Be it further enacted*, That the expenses of keeping a jury in any criminal cases, in which the State may be liable eventually, may in the discretion of the court be certified, upon the adjournment thereof, to the Comptroller, as now required by law in other cases, who shall issue his warrant for the same to any person authorized to receive it.

SEC. 3. *Be it further enacted*, That such part of said bills of costs, so certified as in section two of this act, if collected from the defendant or his sureties, shall be paid over to the Treasurer of the State by the clerk of said court, as fines are now paid.

SEC. 4. *Be it further enacted*, That such portion of said bills of costs as are certified in section second of this act, shall not be again certified if the costs of said suit should be chargeable to the State.

Special Court
Waverly.

SEC. 5. *Be it enacted by the General Assembly of the State of Tennessee*, That the Judge of the Thirteenth Judicial Court open and hold a special term of the circuit court for Humphreys county, at the court house in Waverly, to commence on Thursday, the 15th day of December, 1859, and continue until the business of said court is disposed of; a grand jury shall be impaneled, and that said special court shall have as full power as a regular term.

SEC. 6. *Be it enacted*, That all causes, civil and criminal, which stood for trial at the November term, 1859, shall be for trial at said special term in December, 1859, and shall bind the parties to appear at the said December term, 1859.

SEC. 7. *Be it enacted*, That jurors summoned to appear at the November term, 1859, shall attend and be the jurors for the said special term in December, 1859.

SEC. 8 *Be it further enacted*, That this act shall take effect and be in full force at its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, December 1, 1859.

CHAPTER 7.

AN ACT to change the place of paying off certain State Bonds.

WHEREAS, A portion of the Bonds of the State of Tennessee, which have been issued, are made payable at Nashville instead of New York, and such bonds are greatly below par in consequence thereof:

Be it therefore enacted by the General Assembly of the State of Tennessee, That whenever the holder of any bond or bonds of the State shall present the same for that purpose, it shall be the duty of the Governor to cancel the same, and deliver to him a bond or bonds of like character, except that they be made payable at New York instead of Nashville: *Provided*, That the holders of the bonds shall pay all expenses incurred by the change of bonds: *Provided, further*, That it shall be the duty of the Secretary of State to register the cancelled bonds, and report to the ensuing Legislature.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, December 2, 1859.

CHAPTER 8.

AN ACT for the benefit of Tax Collectors and County Trustees in this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all Tax Collectors in this State shall have until the first day of April, 1860, to make collections and disbursements of State and county taxes for the year 1859, and they shall make their final settlements on or before that day: *Provided*, Nothing in this act shall be so construed as to exempt any Revenue Collector from paying over all the revenue which he may have collected up to the 31st day of December, on or before that day, as now prescribed by law.

SEC. 2. *Be further enacted*, That sub-section 21, of section 207, of article 3d of the Code, be and the same is hereby repealed.

SEC. 3. *Be it further enacted*, That the provision of the

of the County Court, on or before the last day in each and every year.

SEC. 2. *Be it further enacted by the authority aforesaid,* That paragraph 10, of section 427, of the Revised Code of Tennessee, be so amended as to require the County Trustee to settle with the Judge, or Chairman of the County Court, instead of the Revenue Commissioner, as herein provided.

Justice.

SEC. 3. *Be it enacted,* That section 1639 of the Code, be so amended, that any Justice of the Peace be authorized to issue a warrant on application of the Ranger, if the taker-up be about to remove himself from the county before the expiration of six or twelve months from the appraisement, or before he has paid the Ranger one-half of the appraised value of the stray.

SEC. 4. *Be it enacted,* That the Ranger be required, and it is made his duty, to collect all monies from all takers-up of strays in his county.

Ranger.

SEC. 5. *Be it enacted,* That the Ranger be required to make his settlements with Judge or Chairman of the County Courts the last weeks in June and December in each year, and shall pay what monies found in his hands into the county treasury on the warrant of the Judge or Chairman.

SEC. 6. *Be it further enacted,* That the Judge or Chairman of each county in this State shall be required to settle with the Ranger as provided for in section 3 of this act; and he shall issue his warrant, directing the Ranger to pay the same into the county treasury; and it shall be the duty of the Judge or Chairman to charge the County Trustee with the amount found in the hands of the Ranger on each settlement.

SEC. 7. This act to take effect from and after the date of its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, January 9, 1860.

CHAPTER 12.

AN ACT to repeal that part of the Code which compels the inspection of flour, lard, and other articles

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section 1836 of the Code, which compels the inspection of hogs lard, butter, hemp, flour, and kiln-dried meal, before exportation, be and the same is hereby repealed; and all penalties and forfeitures imposed by law upon the producer, manufacturer or shipper, for exporting any of said articles without inspection, be and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That section 1835 of the Code, requiring coopers to set their brands upon their barrels and casks, be also repealed.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, January 10, 1860.

CHAPTER 13.

AN ACT to repeal an act establishing Foreign Banking Agencies in Tennessee.

Be it enacted by the General Assembly of the State of Tennessee, That sections 1811 and 1812 of the Code of Tennessee, authorizing the establishment of foreign banking agencies, be and they are hereby repealed.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, January 12, 1860.

CHAPTER 14.

AN ACT to define and regulate the operation of the Counter Note principle.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That no bank in this State shall issue any note not made payable at the counter where issued; nor shall any bank pay out the notes of other banks, but, this restriction upon paying out the notes of other banks shall not operate so as to prevent the principal bank from paying out the notes of its branches, but such branch notes, when so paid out, shall, by law, be payable at such principal bank, as well as at the counter where made payable.

SEC. 2. *Be it further enacted*, That it shall be the positive duty of principal banks at all times to furnish and supply their several branches with circulation, payable at such branches respectively, in proportion to the capital of said branches, so as to place it out of the power of any principal bank, to impair or cripple any branch bank in extending accommodations to the community, where the same may be located, and it is hereby made the duty of the principal bank and its branches to adjust their accounts and transmit circulation from one to another as often as it may be necessary to carry out this provision: *Provided*. That such transmission of circulation and adjustment of accounts shall take place at least once in every month.

SEC. 3. *Be it further enacted*, That this act shall take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, January 13, 1860.

CHAPTER 15.

AN ACT to supply all the Justices of the Peace of the State with the Code.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the Secretary of State to furnish all the Justices of the Peace of this State, who have not been supplied with a copy of the Code of Tennessee, with a copy each, of said Code.

SEC. 2. *Be it further enacted*, That on the filing in the office of the Secretary of State, the certificate of the County Court Clerk of any county in this State, stating that any justice of the peace of his county, has not been furnished with a copy of the Code of Tennessee, it shall be the duty of the Secretary of State, to deliver to said County Court Clerk a sufficient number of copies of said Code to distribute to said justices of the peace: *Provided*, He transfer the same to his successor in office.

SEC. 3. *Be it further enacted*, That this act take effect from and at the date of its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, January 16, 1860.

CHAPTER 16.

AN ACT to amend the law regulating redemption of lands sold for taxes-

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all cases when lands have been sold for the payment of taxes, costs and charges, which are yet redeemable by law, or shall be hereafter sold to pay taxes, and the same shall be struck off to the Treasurer of the State of Tennessee, according to, and in the manner prescribed in section 622 of the Code of Tennessee, that the owner of said lands, so sold, shall be entitled to redeem in two years from the sale, by the payment of the taxes, costs and charges, so bid on said land, and interest, on said bill at the rate of six per cent. per annum, from the time of sale, until he, she, or they shall redeem, into the Treasurer's office, and on so doing, all the right of the State acquired by said sale shall be reinvested in him, her or them.

SEC. 2. *Be it further enacted*, That when any lands shall have been bid off, in the name of the Treasurer, as Superintendent of Public Instruction, that the various County Courts shall have power to employ an agent or attorney, to bring all necessary suits, either in law or equity, in the name of said office, to secure the title and possession of said land, according to law.

SEC. 3. *Be it further enacted*, That the County Courts shall have power to take the lists of all uncollected taxes,

after the settlement of the Revenue Collector with the Comptroller of the State, and by its agent or attorney may collect the same and bring all necessary suits, and have all process necessary therefor.

SEC. 4. *Be it further enacted*, That the provisions of this Act shall extend to all uncollected taxes then due upon said property, or from said person, either for State, County, or Internal Improvement purposes.

SEC. 5. *Be it further enacted*, That all taxes for State or Internal Improvement purposes, collected by said Court or said agent, shall be paid over to the parties entitled to the same, together with such damages as follow the same.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 8, 1860.

CHAPTER 17.

AN ACT to amend sections 664 and 667 of chapter 5, article 7 of the Code of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all cases where a collector of the State and county revenue has removed, or may hereafter remove, as contemplated, by said section, six hundred and sixty-four or has or may hereafter die, as contemplated by said section six hundred and sixty-seven, it shall and may be lawful, for the sureties of such collector to go before the County Court of the county for which their principal was elected, and prove to said court the existence of such removal or death of their principal, as is contemplated by either of said sections; whereupon, it shall be the duty of said court to make a record of such proof, and upon it to make an order, authorizing the sureties of such dead or removed collector, to collect all arrearages of taxes, not collected by their principal, and which it was his duty to collect, and such order when made, shall be full and ample authority for such sureties to collect all such arrearages of taxes, and for which purpose said order shall vest them with all the rights and powers to distrain and sell the property, whether real or personal, of those in arrears for taxes, the same as their principal could have done, if he had not have died or removed.

SEC. 2. *Be it further enacted*, That in case of such death or removal, as is contemplated in the foregoing section, it shall and may be competent, for the sureties of such dead or removed principal, or in case of the death of any of the sureties, then their representatives to go before the County Court and agree for any one of such sureties to be appointed to collect such arrearages of taxes, and upon such agreement, it shall and may be competent, for the County Court to appoint such surety, so agreed upon, to collect such arrearages of taxes, and which appointment shall be as full and ample power to him as if all were authorized to collect them: *Provided, always*, That nothing in this act contained, shall have the effect to release any of such sureties or their representatives for liability as such.

SEC. 3. *Be it further enacted*, That the act passed November 11, 1859, entitled, an act to regulate the practice in obtaining Writs of Error, shall take effect from its passage. Writs of Error.

SEC. 4. *Be it further enacted*, That this act shall go into effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, January 30, 1860.

CHAPTER 18.

AN ACT to exempt Millers and Common School Commissioners from working the public roads, and the Board of Education of the city of Nashville, from serving on juries.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this act, that one miller of any grist mill, provided said mill is being used at the time of working the road, and common school commissioners, in this State, shall be exempt from working on public roads.

SEC. 2. *Be it further enacted*, That the Board of Education of the city of Nashville, be exempted from serving on juries.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, January 30, 1860.

CHAPTER 19.

AN ACT for the benefit of the Pauper, Deaf, Dumb and Blind Children of this State.

SECTION 1. *Be it enacted by the Grneral Assembly of the State of Tennessee*, That the parents of any pauper child or children, who are deaf, dumb and blind, be and they are hereby authorized to place said pauper, child or children, either in the Deaf and Dumb School or in the Blind Asylum, at the expense of the State: *Provided, always*, That the parents of said pauper child or children, who are deaf, dumb and blind, are citizens of this State: *Provided*, that none shall receive the benefits of this act, except such as are deaf, dumb and blind.

SEC. 2. *Be it further enacted*, That the allowance for each pauper pupil, who is deaf, dumb and blind, admitted into either of said institutions shall be at the rate of three hundred dollars per annum.

SEC. 3. *Be it enacted*, That this take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, January 30, 1860.

CHAPTER 20.

AN ACT to repeal the Vagrant Laws.

Be it enacted by the General Assembly of the State of Tennessee, That sections 1713, 1714, 1715, 1716, 1717, 1718 and 1719, of the 10th chapter of the Code of Tennessee, relative to vagrants, be and the same are hereby repealed.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, January 30, 1860.

CHAPTER 21.

AN ACT to amend the Sheriffs' Fee Bill.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Sheriffs and other collecting officers of this State, shall be allowed the same fees for collecting and paying over costs, as they are now allowed by law for the collection of other moneys: *Provided*, That they shall not be allowed to charge and receive commissions in their favor.

SEC. 2. *Be it further enacted*, That the various Sheriffs, who may be elected in the county of Cocke, may have the privilege of appointing three or more deputies, as convenience may require.

This act to take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, January 30, 1860.

CHAPTER 22.

AN ACT increasing the pay of Witnesses in Courts of Record.

Be it enacted by the General Assembly of the State of Tennessee, That witnesses in Courts of Record, shall receive a compensation of one dollar per day for each days' necessary attendance; and when they reside at a greater distance than ten miles, four cents per mile for going to and returning from court, and ferriages as now allowed by law: *Provided*, That mileage and ferriage shall be allowed only for one trip going and returning during the term of any court; unless the witness is discharged by the parties, to return and does return upon a given day.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, January 30, 1860.

CHAPTER 23.

AN ACT to compel applicants for New Roads to give notice.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall not be lawful for any person to apply to the County Court for an order of a jury of view to lay off any public road or change any old road, unless he shall have first given notice in writing of the time of such application to the owners of all land over which he proposes to run the new road, at least five days before the time of making such application.

SEC. 2. *Be it further enacted*, That when the owners live out of the county, notice shall be given to their agents, but should they have no resident agents, no notice is required.

SEC. 3. *Be it further enacted*, That the court may hear testimony for and against said application, and grant or refuse the same, as may, in their judgment best conduce to the public good.

SEC. 4. *Be it further enacted*, That when a petition is filed for the benefit of the petitioner, then the cost shall be paid by the person asking the change, and it shall be the duty of the jury of view, to report whether the change so made is for the benefit of the petitioner, or for the public good.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, January 31, 1860.

CHAPTER 24.

AN ACT to abolish the office of Geologist and Mineralogist of the State.

Be it enacted by the General Assembly of the State of Tennessee, That the office of Geologist and Mineralogist of the State be and the same is hereby abolished, and sections 253 to 259 of the Code are repealed.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

B. L. STOVALL,

Speaker of the Senate.

Passed, February 1, 1860.

CHAPTER 25.

AN ACT to amend section 542 of the Code.

Be it enacted by the General Assembly of the State of Tennessee, That the sub-section three of section five hundred and forty-two of the Code, be so amended that all the funds of any literary, scientific or benevolent institution, invested in stocks or employed in any lawful manner for the promotion of the object and purposes of such institutions shall be exempt from taxation; and that this act take effect from its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.
 TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, February 2, 1860.

CHAPTER 26.

AN ACT to protect the Note holders of the Bank of Claiborne.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Comptroller be and he is hereby directed to use so much of the assets of the Bank of Tazewell remaining in his hands, after having redeemed the notes of said Bank, as may be necessary to redeem the outstanding circulation of the Bank of Claiborne.

SEC. 2. *Be it further enacted,* That the note holders of the Bank of Claiborne shall have twelve months from the passage of this act within which to present the same to the Comptroller for payment.

SEC. 3. That this act take effect from and after its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.
 TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, February 4, 1860.

CHAPTER 27.

AN ACT to reform and regulate the business of Banking in Tennessee.

SECTION. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That every Bank which now is, or may hereafter be incorporated under the authority of this State, shall be subject to the liabilities, and governed by the rules and provisions contained in this act.

COUNTER NOTES. SEC. 2. *Be it further enacted,* That no Bank in this State shall issue any note not payable on its face at the counter where issued; nor shall any Bank pay out any note not payable at its counter: *Provided,* that any principal Bank may pay out the notes made payable at its branches, but such branch notes shall, by law, be also payable at the counter of the principal Bank, and the principal Bank is to be regarded as issuing all its notes under the word "issue" used in the second line of this Section; and no Bank note shall be issued of a less denomination than five dollars.

CAPITAL STOCK. SEC. 3. *Be it further enacted,* That the capital Stock of each Bank in this State shall be paid in coin, and that no substitute or equivalent shall be received in lieu thereof; and no part of the capital Stock of any Bank shall be sold or transferred until the whole amount shall have been paid in; nor shall any loan be made to any Stockholder, until he shall have paid the full amount of his shares of Stock; nor shall any loan then be made, if, in the opinion of the Directors, the object of the loan is to replace money borrowed to pay up his Stock.

AMOUNT OF CAPITAL STOCK. SEC. 4. *Be it further enacted,* That the capital Stock of no Bank in this State, shall exceed three millions of dollars; nor shall any Bank commence the business of Banking, with a less paid in capital Stock than three hundred thousand dollars. And it shall be the duty of the Supervisor to examine and report to the Governor that this sum is actually paid in before any Bank shall commence business: *Provided,* that existing Banks which may have more than three millions capital Stock, or less paid in capital Stock than three hundred thousand dollars, shall not be restricted to three millions capital Stock, or compelled to increase their paid capital Stock to three hundred thousand dollars.

LIABILITIES. SEC. 5. *Be it further enacted,* That it shall not be lawful for any Bank in this State, directly or indirectly, to increase its total liabilities, beyond the amount of its total solvent assets, or use or employ any of its moneys, goods, chattels, or effects in trade or commerce; and no Bank shall hold or own more real estate than is necessary to carry on its Banking business: *Provided, however,* it may receive mortgages and assignments for debts previously contracted; and purchase in real estate thus mortgaged or assigned; and purchase in land sold at execution sales under judgments in its favor, or redeem lands subject to redemption in order to secure its bad or doubtful debts, but it shall not hold the same for a longer period than five years.

SEC. 6. *Be it further enacted,* That no Bank in this State, shall permit its issues, in actual circulation to exceed

the proportion of two for one of its specie funds, consisting of coin, notes of specie paying Banks and sight exchange. Nor shall any Bank issue two for one of specie funds if the same exceed, in the aggregate, two for one of actually paid capital stock each and every Bank shall own and have in its own vaults, for the protection of the note holders, an amount of coin equal to one forth of its entire circulation; and shall own and keep on hand an amount of specie funds equal to one third of its entire liabilities, and in the event any Bank shall permit its coin, or coin and specie funds, to fall below the proportion aforesaid, for the space of forty days, together, then all discounts by said Bank shall cease until said proportions are restored. And if any Bank shall suffer its coin or coin and specie funds to run below said proportions over seventy-five days in all, in any one year, it shall be the duty of the Supervisor forthwith to cause proceedings to be instituted in the Chancery Court of the District where such Bank is located, in the name of the State against such Bank, to have its assets subjected to the payment of its debts, and its charter declared forfeited.

Sec. 7. *Be it further enacted*, That no Bank shall employ in its business, dividends due to its stockholders, unless the same are made part of the permanent paid capital stock of the Bank by the stockholders to whom the same are due and owing.

Sec. 8. *Be it further enacted*, That with a view to make the capital stock of Banks permanent, and to guard against the destruction of the same, that the Board of Directors of each Bank, at the end of every six months, shall make a thorough examination of the condition of their respective Banks, and ascertain as nearly as possible the total amount of bad and doubtful debts due to the same, which shall be reported to the Board and spread upon the minutes thereof; and if it appears from this report and examination that no profits have been made at these periods, or any one of them, beyond the bad or doubtful debts, then no dividends shall be made until a similar examination shall show that the profits do exceed the bad and doubtful debts, and then dividends may be declared out of this excess of profits.

Sec. 9. *Be it further enacted*, That no Bank shall be chartered for a greater period than fifteen years.

Sec. 10. *Be it further enacted*, That each Bank shall make monthly statements, under the oath of its President and Cashier to the Comptroller of the State of its true condition. This statement shall show under separate heads the amount of coin, the sums due from Banks in this State, and the amount due from Banks out of the State, and the entire amount of its bills, notes and other assets. It shall also show the entire extent of its liabilities.

after the settlement of the Revenue Collector with the Comptroller of the State, and by its agent or attorney may collect the same and bring all necessary suits, and have all process necessary therefor.

SEC. 4. *Be it further enacted*, That the provisions of this Act shall extend to all uncollected taxes then due upon said property, or from said person, either for State, County, or Internal Improvement purposes.

SEC. 5. *Be it further enacted*, That all taxes for State or Internal Improvement purposes, collected by said Court or said agent, shall be paid over to the parties entitled to the same, together with such damages as follow the same.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 8, 1860.

CHAPTER 17.

AN ACT to amend sections 664 and 667 of chapter 5, article 7 of the Code of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all cases where a collector of the State and county revenue has removed, or may hereafter remove, as contemplated, by said section, six hundred and sixty-four or has or may hereafter die, as contemplated by said section six hundred and sixty-seven, it shall and may be lawful, for the sureties of such collector to go before the County Court of the county for which their principal was elected, and prove to said court the existence of such removal or death of their principal, as is contemplated by either of said sections; whereupon, it shall be the duty of said court to make a record of such proof, and upon it to make an order, authorizing the sureties of such dead or removed collector, to collect all arrearages of taxes, not collected by their principal, and which it was his duty to collect, and such order when made, shall be full and ample authority for such sureties to collect all such arrearages of taxes, and for which purpose said order shall vest them with all the rights and powers to distrain and sell the property, whether real or personal, of those in arrears for taxes, the same as their principal could have done, if he had not have died or removed.

SEC. 2. *Be it further enacted*, That in case of such death or removal, as is contemplated in the foregoing section, it shall and may be competent, for the sureties of such dead or removed principal, or in case of the death of any of the sureties, then their representatives to go before the County Court and agree for any one of such sureties to be appointed to collect such arrearages of taxes, and upon such agreement, it shall and may be competent, for the County Court to appoint such surety, so agreed upon, to collect such arrearages of taxes, and which appointment shall be as full and ample power to him as if all were authorized to collect them: *Provided, always*, That nothing in this act contained, shall have the effect to release any of such sureties or their representatives for liability as such.

SEC. 3. *Be it further enacted*, That the act passed November 11, 1859, entitled, an act to regulate the practice in obtaining Writs of Error, shall take effect from its passage. Writs of Error.

SEC. 4. *Be it further enacted*, That this act shall go into effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, January 30, 1860.

CHAPTER 18.

AN ACT to exempt Millers and Common School Commissioners from working the public roads, and the Board of Education of the city of Nashville, from serving on juries.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this act, that one miller of any grist mill, provided said mill is being used at the time of working the road, and common school commissioners, in this State, shall be exempt from working on public roads.

SEC. 2. *Be it further enacted*, That the Board of Education of the city of Nashville, be exempted from serving on juries.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, January 30, 1860.

Suspension.

one year, it shall be the duty of the Supervisor forthwith to cause proceedings to be instituted in the Chancery Court of the District where the Bank is located, in the name of the State of Tennessee against the Bank to have its assets subjected to the payment of its debts, and its charter declared to be forfeited: *Provided, however,* that if the Governor shall be of opinion that it is for the public interest that such proceedings shall not be instituted, he may, in writing, so declare to the Supervisor and suspend all proceedings thereon, from time to time, until the meeting of the Legislature.

Qualification of supervisor.

SEC. 21. *Be it further enacted,* That the Supervisor appointed under the provisions of this act, before entering upon the duties of his office, shall give bond in the sum of fifty thousand dollars, with good security, payable to the State of Tennessee, and to be approved of by the Governor, for the faithful performance of his office, and the penalty of said bond, in all cases where the same is recovered, shall be applied to the benefit of note-holders who have suffered loss by reason of the failure of the Supervisor to comply with the provisions of this act, shall take an oath to discharge the duties thereof faithfully; and that he shall receive as compensation for the performance of his duties, the sum of three thousand dollars annually to be paid to him quarterly out of the Treasury. And if said Supervisor shall make a false or fraudulent report in regard to the condition of any Bank, he shall forfeit and pay to the State the full penalty of said bond and shall be guilty of the crime of perjury, and upon conviction shall be confined in the penitentiary for a period of not less than three years.

Pro rata tax levied.

SEC. 22. *Be it further enacted,* That there shall be levied a *pro rata* tax upon the banks in this State (except the Bank of Tennessee,) which are subject to the provisions of this law, upon the 10th of January in each year, so as to make up the sum of three thousand dollars; which tax shall be assessed and collected by the Treasurer of the State, to pay the salary of the Supervisor, and if any bank shall fail to pay the tax so levied, it shall be the duty of the Treasurer forthwith to take steps to enforce its collection.

Forfeiture of charter.

SEC. 23. *Be it further enacted,* That whenever in the opinion of the Supervisor, any bank in the State shall have violated its chartered powers, it shall be his duty to report the fact with his reasons therefor, to the Governor and Attorney General of the State, and if they concur with him in opinion, he shall forthwith cause proceedings to be instituted in the Chancery Court of the District where such bank is located, in the name of the State to have its assets subjected to the payment of its debts and its charter de-

clared forfeited: *Provided*, That the right of appeal to the Supreme Court shall exist in favor of either party, notwithstanding anything in this Act.

SEC. 24. *Be it further enacted*, That whenever any bank desires to cancel or destroy any part of its old circulation, the same shall be canceled and burned in the presence of the Supervisor, after the amount, number, and denomination of such canceled circulation shall have been registered in the registry book of the bank, and certified as provided in this Act. Cancellation of notes.

SEC. 25. *Be it further enacted*, That each bank shall be authorized to discount bills and notes, payable in this State, at the rate of six per cent. per annum; and if any bill or note thus discounted is payable at a point different from that at which the bank is located it may collect, in addition to the six per cent. discount, the sum it will cost to collect such bill or note, if paid at maturity; and each bank shall be authorized to discount bills payable out of the State, at the rate of six per cent. per annum, with a reasonable exchange in addition thereto.

SEC. 26. *Be it further enacted*, That each stockholder in any of the banks of this State shall be individually liable for any loss sustained by the creditors of the institution, to the amount and value of his stock, until he has paid the same in full on his original subscription. And if any Director or Directors of any of the banks in this State shall be guilty of any fraud or wilful mismanagement of the affairs of such bank, by which any loss shall be occasioned to its creditors, such Director or Directors upon legal ascertainment of the fact shall be individually liable for such loss, and all the stockholders assenting thereto, shall be liable in like manner. Individual liability.

SEC. 27. *Be it further enacted*, That Banks and Banking Companies, subject to the provisions of this act, shall pay as a tax to the State, on the 1st day of January of each year, one half of one per cent. on their actual capital. Bonus to the State.

SEC. 28. *Be it further enacted*, That each and every bank in this State, shall be subject to the examination of such committees as the Legislature may, from time to time appoint.

SEC. 29. *Be it further enacted*, That banks and the business of banking in this State, shall be subject to such general laws regulating the same as the Legislature may from time to time enact. Reservation of power to regulate banks.

SEC. 30. *Be it further enacted*, That in case of the insolvency of any bank or Banking association, the billholders thereof shall be entitled to preference in payment over all other creditors of such bank or association; and Insolvency of banks.

no transfer or assignment of any note, bill of exchange, or other evidence of debt by the bank, shall prevent the debtor from paying the same in the hands of the assignee, in the currency of such bank.

Rate of interest
allowed note-
holders during
suspension.

SEC. 31. *Be it further enacted*, That if any bank of this State shall suspend specie payment, the noteholders thereof may present the same for payment, and if payment is refused, said noteholder may have such notes protested and shall receive interest at the rate of six per cent. per annum, from the date of protesting, and the cost of protesting: *Provided, however*, That where any person is the holder of more notes than one of any bank there shall be but one protest, noting by number and letter, all the notes held by him in such protest; and for each note after the first, there shall be a fee of five cents each.

SEC. 32. *Be it further enacted*, That banks chartered subject to the provisions of this Act, may surrender their charters and discontinue business; and the period of five years shall be allowed such banks, within which to liquidate and close their affairs: *Provided*, That if, whilst so doing, they engage to any extent in the business of banking, the same shall be done in accordance with the provisions of this Act, and such supplemental Legislation, as may from time to time, enacted, regulating banks and the business of banking in this State.

SEC. 33. *Be it further enacted*, That the banks chartered under the provisions of this Act, shall discount, in the aggregate at least one third of their capital in notes in the course of each and every year. This Act shall take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, February 6, 1860.

CHAPTER 28.

AN ACT to provide for the payment of sufficient guards in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all cases where a defendant or defendants, charged with the commission of a felony, is committed to jail, either before or after trial, and

the safety of the defendant or defendants, or their safe keeping shall require a guard, it shall be the duty of the Sheriff to employ a sufficient guard to protect the defendant or defendants from violence, and to prevent an escape or rescue of the defendants: *Provided*, nothing in this Act shall authorize the employment of a guard in cases of insufficient jails, but that in such cases the defendants shall be sent to adjoining counties as now required by law.

SEC. 2. *Be it enacted*, That for such service each guard shall receive one dollar for each day, and one dollar for each night so necessarily employed, to be taxed in the bill of cost and paid as other costs are now paid, that before the same shall be allowed and taxed in the bill of cost, the Sheriff shall, in each case, make a statement showing the names and number of such guards, the time of service, and the amount due each; the Attorney General of the District shall examine and certify the same as correct, the Circuit Judge shall also examine the same, and examine in open court such testimony as he may deem necessary as to the necessity of such guard, as to their service, and shall certify that the guard was necessary; and that they have rendered the service, and the same is correctly taxed; all of which shall be spread on the records; and upon a certified copy being presented to the Comptroller shall issue a warrant for the same.

SEC. 3. *Be it enacted*, That the provisions of this Act shall apply to all cases that have transpired within two years previous to the passage of this act, as well as to cases hereafter to occur.

SEC. 4. *Be it enacted*, That whenever any officer may have to pay necessary expenses for board in guarding a prisoner, the same shall be allowed to him, to be taxed in the bill of costs not to exceed twenty-five cents per meal each for himself, prisoner and guard.

SEC. 5. *Be it enacted*, That this Act take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, February 8, 1860.

CHAPTER 29.

AN ACT to amend Sec. 563, paragraph 3 of the Code of Tennessee.

Slaves—where
listed.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That sec. 563, paragraph 3 of the Code, be amended so as to read as follows: Slaves shall be assessed to the owner in the county where he resides, whether hired out or not, and whether hired in the same county or not: *Provided*, If the owner shall have farms in different counties in which he works slaves, they shall be given in the county where the slaves reside.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN

Speaker of the Senate.

Passed, February 9, 1860.

CHAPTER 30.

AN ACT to impose a tax on lands granted by the State to individuals and Companies for the encouragement of Iron Works.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all lands granted by the State of Tennessee to individuals and Companies for the encouragement of the building of Iron Works, shall be liable and subject to taxation as other lands. That this Act take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, February 13, 1860.

CHAPTER 31.

AN ACT to exempt twenty bushels of wheat to each head of families.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of

this Act, there shall be exempt to each head of families, twenty bushels of wheat, under the same rules and regulations, as provided for in sec. 2107 of the Code of Tennessee.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, February 13, 1860.

CHAPTER 32.

AN ACT to repeal the 17th Section of an Act passed 19th March, 1858, entitled an Act to defray the expenses of the General Assembly of the State of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the 17th Section of an Act passed 19th March, 1858, entitled an Act to defray the expenses of the General Assembly of the State of Tennessee, be and the same is hereby repealed. This Act to take effect from the date of its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives,

TAZ. W. NEWMAN,
Speaker of the Senate

Passed, February 13, 1860.

CHAPTER 33.

AN ACT to amend Sections 2914, 2915, 2916 and 2917 of the Code.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall not hereafter be necessary for parties litigant to plead in accordance with sections 2914, 2915, 2916 and 2917 of the Code, but they may plead in accordance with the laws existing on the subject of pleading before and at the time of the passage of the Code, and such pleas shall be as good and as valid, as if they were in pursuance of said sections of the Code: *Provided*, That parties shall have their option to plead as prescribed

by said sections, or according to the laws in force at the adoption of the Code.

SEC. 2. This Act shall take effect from and after its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, February 14th, 1860.

CHAPTER 34.

AN ACT to repeal section 1976 of the Code giving Trustees and Assignees five per cent for services.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section 1976 of the Code relative to the compensation of trustees, be and the same is hereby repealed: *Provided*, That the County Court upon application, or the Chancery Court, if the trust is administered in the Chancery Court, may allow him compensation exceeding the compensation of Clerks and Masters, if the character of the services rendered entitle him to the same, in the opinion of such court, but which in no case shall exceed five per cent.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, February 14, 1860.

CHAPTER 35.

AN ACT to amend Section 3213 of the Code, declaring the number of witnesses which shall be taxed to the losing party in suits.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That so much of section 3213 of the Code as provides,, that no more than three witnesses called to sustain the character of a witness or party, shall be taxed

against the losing party, be and the same is hereby repealed. And that this Act shall take effect from and after its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

B. L. STOVALL,
Speaker of the Senate.

Passed, February 14, 1860.

CHAPTER 36.

AN ACT to declare what persons shall be preferred in granting Letters of Administration.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That when any person shall die intestate in this State, administration shall be granted to the widow of such person, if she make application for the same; for want of such application upon the part of the widow, the administration shall be granted to the next of kin, if such next of kin apply therefor. If neither the widow, nor next of kin, make application for administration, then the same shall be granted to the largest creditor proving his debt on oath before the County Court, or County Judge: *Provided*, That when there is more than one next of kin, that the County Court may decide which of them shall be entitled to administration.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, February 15, 1860.

CHAPTER 37.

AN ACT to Suppress Counterfeiting.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all Grand Juries shall have

power, and they are hereby required, to send for witnesses in all cases of counterfeiting, or where they suspect or have good reason to believe, that counterfeiting is or has been going on; and whenever the Jury is satisfied, that the law has been violated, they shall present the offender.

SEC. 2. *Be it further enacted*, That the Judges of the Circuit and Criminal Courts of this State, are hereby required to give this Act specially in charge of the Grand Juries of this State. This Act to take effect from and after its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

B. L. STOVALL,
Speaker of the Senate.

Passed, February 15, 1860.

CHAPTER 38.

AN ACT to abolish fees of Attorney Generals in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all cases of misdemeanor, where a *nolle prosequi* is entered and cause is stricken from the docket, and the county is taxed with the cost, no fee shall be taxed or allowed the Attorney General. This Act to take effect from and after its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

B. L. STOVALL,
Speaker of the Senate.

Passed, February 18, 1860.

CHAPTER 39.

AN ACT to amend the Road Law.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That so much of item four of sec-

tion 1195 of the Code, as exempts owners of slaves from working on roads is hereby repealed.

SEC. 2. That all female slaves, are hereby exempt from working on roads. This act to take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, February 20, 1860.

CHAPTER 40.

AN ACT to amend Section 566 of the Code.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section 566 of the Code, be so amended as to read, that the same shall be valued together with the real estate, to which it adds value.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, February 20, 1860.

CHAPTER 41.

AN ACT to amend the Usury Laws of the State and to establish a Conventional Rate of Interest.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That whenever any person or persons shall contract for the loan of money, it shall and may

be lawful for the lender or lenders, or his or their assignee or representatives to receive a rate of interest on the same up to the time when payment is made, not to exceed ten per cent. per annum: *Provided*, That the parties to the shall have so agreed, and such agreement be expressed in the face of the contract, whether the same be evidenced by bond, bill, note, or other written instrument.

SEC. 2. *Be it further enacted*, That the rate of interest now established by law, shall continue equal and uniform throughout the State as heretofore; and no greater amount than six per cent. shall be paid on any contract or obligation, unless agreed on by the parties, according to the provisions of the first section of this Act; and any contract made contrary thereto, or for any other article than borrowed money, for a greater rate than six per cent. shall be considered usurious, and subject to all the penalties hereafter prescribed: *Provided*, That it may be lawful to renew debts actually created for the loan of money at the rate of ten per cent. per annum; but nothing in this Act shall be so construed as to authorize any debt or liability not originating for money actually loaned, thus to be renewed; and all efforts by direct or indirect means, to take and receive a greater rate of interest than six per cent. per annum for any debt, demand or liability, the origin of which is not for money actually loaned shall be deemed unlawful and operate as a release of the debtor from the entire amount of such debt, demand or liability.

SEC. 3. *Be it further enacted*, That hereafter it shall and may be lawful for any person or partnership of persons, paying taxes for the privilege, as required by law, to purchase notes, bills, bonds or other securities, made for the purpose of sale, at a rate of discount not to exceed ten per cent. per annum; and if the same be due at the time of sale, or be made to bear interest, or judgment be confessed thereon, no greater rate shall be given therefor, than ten per cent. discount, including the interest that has or may accumulate thereon, up to the day of payment agreed on.

SEC. 4. *Be it further enacted*, That if any person or persons shall loan money at a greater rate of interest than ten per cent., it shall not be lawful for him or them to recover any portion of the interest so contracted; and if a greater amount of interest than ten per cent. per annum, shall be paid or agreed to be paid, for the use of money, either directly or indirectly, the whole amount of interest so paid or agreed to be paid, shall be forfeited by the payee, and if paid the same may be recovered by the party paying the same, his heirs, personal representatives, or

Lawful rate six
per cent.

Interest for-
feited

creditors, in any Court of Tennessee having jurisdiction of such matters.

SEC. 5. *Be it further enacted*, That if any person or persons shall purchase any note, bond or other obligation to pay money at a greater rate of discount than ten per cent. per annum, including the interest thereon that has accumulated at the time of purchase or that will accumulate to the day fixed for payment when the same is made to be sold, such contract shall be usurious in the hands of such purchaser, or purchasers, or assignees, affected with notice, and the amount so taken or retained, by way of discount shall be recoverable in like manner as provided in the fourth section of this Act. And whenever a note or other security is made to be sold, the party purchasing the same at illegal rates, as above specified, shall be affected with notice of the fact that it was made to be sold, nor shall it be necessary to prove the same.

Discounting
notes at illegal
rates.

SEC. 6. *Be it further enacted*, That any person or persons who shall violate the provisions of this law shall be subject to indictment or presentment, as in other cases of misdemeanor, and shall be fined in a sum not less than ten dollars; or if the usurious interest or discount be more than ten dollars, he or they shall be fined in the full amount so illegally taken or agreed to be taken. *And be it further enacted*, That an illegal contract or agreement to exact usurious rates of interest or discount, as defined in this law, shall complete the offence, as much so as if the money had been received or retained by the offending party. And in all cases upon trials, either at law or in equity, when it appears from the proof that the provisions of this law have been violated by any usurious practice or contract, it shall be the duty of the Circuit Judge in open court, to direct the Attorney General to commence a prosecution *ex-officio*, against the party or parties so offending; or if the facts be proven in any suits pending in a Court of Chancery, it is hereby made the duty of the Clerk and Master of such Court to notify the Circuit Judge of the Circuit where the offence is committed, in open court, of the facts, who shall, in like manner, order the Attorney General to prosecute *ex-officio*, if, in the opinion of the Judge, the facts will sustain the prosecution; and if usury be proven in any trial before a Justice of the Peace, he shall, in like manner, lay the facts before the Circuit Judge of the Circuit where the offence has been committed, to be proceeded in as above.

Punishment for
violation of Act.

SEC. 7. *Be it further enacted*, That it shall be lawful for all persons to discount solvent real transaction paper of every description at a rate not exceeding ten per cent. per

Punishment for
violation of Act.

may taxed.

To show amount
of money loaned
each year.

annum, estimating in all cases, the rate of interest, if any, which said paper may bear as a part of such per cent. and that to authorize such discounts no license shall be necessary: *Provided*, That all sums received beyond the said sum of ten per cent. per annum, shall not be lawful, and any person guilty of taking and receiving such excess shall forfeit the entire amount of the discount to be recovered by the party paying the same, his heirs, personal representatives or creditors; and in addition thereto, for every such offence, shall be guilty of a misdemeanor and subject, on conviction, to a fine of not less than one hundred dollars; That all money used under the provisions of this Act shall be taxed as other property, and returned by the persons using the same under oath, to the tax assessor as taxable property.

SEC. 8. *Be it further enacted*, That from and after the first day of February, 1861, and for each succeeding year up to that month, it shall be the duty of all persons loaning money, or using it in any of the ways specified by this Act, to keep a schedule or account of each and every loan, investment or transaction, and furnish the aggregate amount to the tax assessor when called on by him, at any time after the said first day of February, together with a list of the amount so loaned, invested or embraced in said transactions at different times, and if any person or persons embraced in the provisions of this Act, shall refuse to state under oath, such amounts, or to deliver a schedule thereof, as above required, such person or persons so offending shall be guilty of a misdemeanor; and it shall be the duty of the tax assessor to prosecute said offender or offenders in the Circuit or Criminal Court having jurisdiction thereof, who, upon conviction, shall, besides the payment of costs, be fined for the first offence one hundred dollars, for the second two hundred and fifty dollars, for the third five hundred dollars, and five hundred dollars for every additional offence, to be paid into the Treasury of the State, and also in the further sum of twenty dollars to be paid to said assessor, and five dollars to the Attorney General prosecuting the same.

SEC. 9. *Be it further enacted*, That this law shall take effect from and after the first day of September, 1860.

W. C. WHITTHORNE,

Speaker of the House of Representatives

B. L. STOVALL,

Speaker of the Senate.

Passed, February 21, 1860.

CHAPTER 42.

AN ACT for the relief of Sheriffs and Revenue Collectors.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Sheriffs and Revenue Collectors, who come within the provisions of an Act, entitled, an Act for the relief of Sheriffs and Revenue Collectors, passed March the 15th, 1858, shall have the benefits of said Act until the first Monday of October next, and shall be governed by all the regulations therein contained.

SEC. 2. *Be it further enacted*, That Revenue Collectors may appoint deputies.

SEC. 3. *Be it further enacted*, That the securities of Clinton Gan, tax collector for Robertson county for the year 1859, have until the first day of October, 1860, to make their final settlement with the Comptroller of this State. That this Act take effect from and after its passage.

Relief of securities of Clinton Gan.

W. C. WHITTHORNE,

Speaker of the House of Representatives

B. L. STOVALL,

Speaker of the Senate.

Passed, February 24, 1860.

CHAPTER 43.

AN ACT to compel Rail Road Companies to keep within the rates of freights as set forth in their Charters.

SECTION 1. *Be it enacted by the General Assembly, of the State of Tennessee*, That from and after the passage of this Act, should any Railroad Company in this State by their officers charge a higher rate of freight than allowed by their charter, or more for conveying passengers than allowed, the same be and is hereby declared a misdemeanor, and on prosecution and conviction, they shall be fined for the first offence not less than one hundred nor more than five hundred dollars, for the second offence not less than five hundred nor more than one thousand dollars.

SEC. 2. *Be it further enacted*, That the President or agents

of any road violating their charters may be prosecuted and dealt with as contained in section 1st.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

B. L. STOVALL,
Speaker of the Senate.

Passed, February 26, 1860.

CHAPTER 44.

AN ACT to authorize the Commissioners of Common Schools to sell Real Estate in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That in all cases where there shall be real estate belonging to any common school district in this State, situated within said district and the Commissioners of said district shall believe that a sale of the same is necessary, said Commissioners shall have the power to sell said real estate and appropriate the funds arising from said sale to the purposes of common schools in said district, either in the purchase of other real estate or otherwise as they may think best.

SEC. 2. *Be it further enacted,* That when a sale is made under the provisions of the first section of this Act, the Commissioners of said common school district shall have power to convey said real estate by deed signed by them as Commissioners, and a deed so made and signed, shall be sufficient to convey the title of said school district to said land.

SEC. 3. *Be it further enacted,* That the Commissioners in the event of a sale of such land shall give bonds and securities in double the value of such real estate, payable to the State of Tennessee for the use of those entitled to said fund, which bond shall be approved of by the County Court of such county, conditioned that such Commissioners will faithfully use and apply such school funds arising from any such sale: *Provided,* That the provisions of this Act shall not affect the school lands known as sixteenth sections, set aside by law for the benefit of common schools.

• give Bond.

SEC. 4. *Be it further enacted,* That this Act shall be in force from the time of its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

B. L. STOVALL,
Speaker of the Senate.

Passed, February 27, 1860.

CHAPTER 45.

AN ACT to protect Wool Growing in the State of Tennessee.

SECTION. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That where any dog or dogs shall kill or in any manner damage any sheep in this State, the owner of such dog shall be liable upon an action for damage to the owner of such sheep, for the worth of such sheep, if killed, or for the amount of injury or damage committed upon the same by such dog.

Owners of dogs
liable for sheep
killed.

SEC. 2. *Be it enacted*, That ignorance of the vicious habits or character of the dog or dogs, shall be no defence in actions arising under the preceding section.

SEC. 3. *Be it enacted*, That in an action for damages against any person for killing or injuring a dog, a satisfactory proof that said dog had been or was killing or worrying sheep shall constitute a good defence to such action.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

B. L. STOVALL,

Speaker of the Senate.

Pass March 1, 1860.

CHAPTER 46.

AN ACT to amend Section 296 of the Code,

Be it enacted by the General Assembly of the State of Tennessee, That section 296 of the Code be so amended, that when any County Agricultural Society shall file in the office of the Comptroller, a certificate signed by its President and Treasurer, specifying under oath, that the society has a title to real estate upon which is situated the fair grounds of said society, of the value of five hundred dollars and has made its annual report of proceedings to the Bureau, shall be entitled to receive the sum of two hundred dollars annually in like manner as those societies who have raised, and loaned out the sum of three hundred dollars, as directed in said section: *Provided, always*, This section shall not

County Agricultural
Societies.

be construed to the prejudice of those societies who may choose to loan out instead of investing said funds in real estate. This Act to take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

B. L. STOVALL,

Speaker of the Senate.

Passed, March 1, 1860.

CHAPTER 47.

AN ACT to compensate certain newspapers for giving notice of time for holding an election to change the Constitution of the State and for other purposes

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Comptroller of the State of Tennessee is hereby directed to audit the accounts of certain newspapers for publication in obedience to section three of an Act passed 19th March, 1858, chapter 76.

SEC. 2. *Be it enacted,* That the Comptroller is further directed to issue warrants on the Treasurer of the State for such amounts as he may find due to the said parties as directed in chapter 1, article 1, sections 20 and 21 of the Code of Tennessee, or by the parties filing copies of their several newspapers containing said advertisements with the Comptroller, which shall be sufficient evidence to him.

One quarter of
one per cent. for
Lunatic Asylum.

SEC. 3 That one quarter of a cent be levied on the one hundred dollars' worth of taxable property annually for the next two years, and collected and paid into the State Treasury as other State Revenue, subject to the order and control of the Trustees of the Asylum for the Insane to be expended under their direction to build a turnpike road from the Asylum to the Nashville and Chattanooga Railroad, to furnish gas lights for the Asylum, to build a dairy, and make such repairs on the buildings, and improvements on the grounds, under the supervision of the superintendents as they may direct.

W. C. WHITTHORNE,

Speaker of the House of Representatives

B. L. STOVALL,

Speaker of the Senate.

Passed, March 1, 1860.

CHAPTER 48.

AN ACT to amend the Law regulating Weights and Measures.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section 1884, of the Code of Tennessee, be so amended, that instead of declaring the half barrel, be one half the *dimensions*, it is hereby declared, that the half barrel shall be half the *capacity* of the barrel.

SEC. 2. This Act take effect from the date of its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 2, 1860.

CHAPTER 49.

AN ACT to amend the Revenue Laws and reduce the State tax.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That *two and one quarter cents* shall be levied upon each hundred dollars worth of taxable property for State purposes; *two and one half cents* for common school purposes, and *two cents* as a contingent fund, the remainder of which, if any, shall be distributed with the school fund as required by law.

SEC. 2. *Be it enacted*, That a tax of *twenty-five cents* for common school purposes, and *ten cents* for State purposes shall be levied upon each taxable poll.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 8, 1860.

CHAPTER 50.

AN ACT to amend Section 5488 of the Code.

Be it enacted by the General Assembly of the State of Tennessee, That section 5488, of the Code of Tennessee be so amended as to read, whenever the physician reports to the keeper of the Penitentiary that any convict is insane and ought on that account to be removed to the Lunatic Asylum, the keeper shall cause such insane convict to be removed accordingly, there to remain until discharged by the physician of said Lunatic Asylum.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 8, 1860.

CHAPTER 51.

AN ACT to repeal Sections 2584 and 2586 inclusive, of the Code.

Be it enacted by the General Assembly of the State of Tennessee, That sections 2584 and 2586, inclusive, of the Code be and the same are hereby repealed.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 8, 1860.

CHAPTER 52.

AN ACT to amend the law regulating Redemption of Lands sold for Taxes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That in all cases where lands have been sold for the payment of taxes, costs and charges, which are yet redeemable by law, or shall be hereafter sold to pay

taxes and the same shall be struck off to the Treasurer of the State of Tennessee according to, and in the manner prescribed in section 622 of the Code of Tennessee, that the owner of said lands so sold shall be entitled to redeem in two years from the sale, by the payment of the taxes, cost and charges, so bid on said land and interest on said bill at the rate of six per cent. per annum, from the time of sale until he, she or they shall redeem into the Treasurer's office, and on so doing, all the rights of the State acquired by said sale shall be reinvested in him, her or them.

SEC. 2. *Be it further enacted*, That when any lands shall have been bid off, in the name of the Treasurer, as Superintendent of Public Instruction, that the various County Courts shall have power to employ an agent or attorney, to bring all necessary suits either in law or equity in the name of said office to secure the title and possession of said land according to law. Attorney to bring suit.

SEC. 3. *Be it further enacted*, That the County Courts shall have power to take the lists of all uncollected taxes, after the settlement of the Revenue Collector with the Comptroller of the State, and by its agents or attorney may collect the same and bring all necessary suits and have all process necessary therefor. County Courts.

SEC. 4. *Be it further enacted*, That the provisions of this Act shall extend to all uncollected taxes then due upon said property or from said person either for State, County, or Internal Improvement purposes.

SEC. 5. *Be it further enacted*, That all taxes for State or Internal Improvement purposes collected by said Court or by said agent shall be paid over to the parties entitled to the same, together with such damages as follow the same.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 8, 1860.

CHAPTER 53.

AN ACT to provide for the service of notice upon attorneys and non-residents in taking depositions, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be sufficient to serve notice of time and place of taking depositions upon the

counsel of non-resident parties, and such service shall have the same effect as if served on the party himself.

Sec. 2. Be it further enacted, That in all cases where depositions are taken by filing interrogatories with the clerk as provided by section 3853 of the Code, it shall be the duty of the clerk to give notice of the filing of such interrogatories, to the counsel of the opposite party and such notice shall be sufficient, if such opposite party be a non-resident.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 9, 1860

CHAPTER 54.

AN ACT to authorize Justices of the Peace in this State to Issue Executions in certain cases, and for other purposes.

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That when the docket book and original papers belonging to the office of any Justice of the Peace in any county in this State, have been or may hereafter be destroyed by fire, or any other way, and said Justice of the Peace shall make oath to that effect, then and in that case, it shall be lawful for such Justice, or his successor in office, (upon the plaintiff, his agent, attorney, or returning officer filing with said Justice, or his successor in office, an affidavit setting forth the name of the plaintiff or plaintiffs, defendant or defendants, the date and amount of his, her or their judgment as near as may be and that the same has not been paid,) to issue execution as though the original papers and docket book had not been destroyed and that the same shall be as good and valid and have the same force and effect, as other executions issued by Justices of the Peace.

When papers are
destroyed by fire.

SEC. 2. Be it further enacted, That all suits now brought on bills filed, auxiliary proceedings, or supplemental, or which may hereafter be filed in the Chancery Court at Chattanooga, in aid of suits pending in the Chancery Court at Harrison, are hereby declared to be as valid as if filed or instituted in the Chancery Court at Harrison, and the Chancellor shall on application of the counsel on either side transfer such auxiliary proceedings to the Chancery

Chancery Court
at Chattanooga.

Court at Harrison, in such manner and upon such terms as he may think right and proper, then to be disposed of according to the rules of that court, and the law and equity of the case.

SEC. 3. *Be it further enacted*, That all suits now brought on bills filed as auxiliary proceedings or supplemental, or which may hereafter be brought or filed in the Chancery Court at Harrison in aid of suits pending in the Chancery Court at Chattanooga, are hereby declared as valid as if filed in the Chancery Court at Chattanooga, and the Chancellor shall upon the application of the counsel on either side, cause such proceedings to be transferred to the Chancery Court at Chattanooga on such terms as he may think right and proper, there to be finally disposed of according to the rules of said court and the law and equity of the case.

Chancery Court
at Chattanooga.

SEC. 4. *Be it further enacted*, That in all cases where attachments issue from any court or magistrate, the officer executing the same shall be allowed one dollar for such service.

SEC. 5. *Be it further enacted*, That this act take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 9, 1860.

CHAPTER 55.

AN ACT providing for the sale of State Stock in all Turnpikes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Secretary of State be and he is hereby authorized and empowered to advertise and sell all the stocks owned by the State in all the Turnpike Companies of this State at such prices and on such terms as may be, agreed to and deemed best for the interest of the State by the said Secretary, the Governor of the State and the Comptroller.

SEC. 2. *Be it further enacted*, That the fund arising from said sale when made, shall be appropriated to the extinguishment of the actual indebtedness of the State, by the

Secretary, under the advice and direction of the persons designated in the first section of this Act.

W. C. WHITTHORNE,

Speaker of the House of Representatives

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 12, 1860.

CHAPTER 56.

AN ACT to amend Section 732 of the Code of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section seven hundred and fifty-two of the Code of Tennessee be so amended, as to read that in addition to the oath prescribed by the Constitution and the oath of office, every public officer shall swear that he has not directly or indirectly given, accepted, or knowingly carried a challenge in writing or otherwise, to any person being a citizen of this State; or aided or abetted therein since the adoption of the Constitution in 1835, and that he will not during his continuance in office be guilty of either of these acts.

Provided, That this Act nor the one it is intended to amend, shall not apply to any persons, who have given or accepted a challenge, or fought a duel before he became a citizen of the State.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 12, 1860.

CHAPTER 57.

AN ACT to repeal Section 6, Chapter 73, of an Act entitled, An Act to extend the time of acceptance to the suspended Banks, passed March 8th, 1858, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section 6, chapter 73 of an Act, entitled, an Act to extend the time for acceptance to the

suspended banks, passed, March 8th, 1858, be and the same is hereby repealed.

SEC. 2. *Be it enacted*, That the President and Directors of the Branch of the Bank of Tennessee at Knoxville, be and they are hereby prohibited from discounting more bills of exchange than regular notes.

Branch Banks at
Knoxville,
Clarksville, So-
merville.

SEC. 3. *Be it enacted*, That the Branches of the Bank of Tennessee at Clarksville and Somerville shall be allowed the same privilege that the parent bank now has in discounting bills.

W. C. WHITTHORNE,
Speaker of the House of Representatives.
TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, March 13, 1860.

CHAPTER 58.

AN ACT to authorize next of kin of deceased persons, when there is no Administrator, or Executor to sue in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That when all the debts of any deceased person shall be paid in full, and the administrator or executor of such deceased person, shall have resigned, or be dead, and there shall be no person representing such deceased person, as administrator or executor, and there shall be claims due the estate of the decedent, which from insolvency or other cause were not collected by the administrator or executor of such decedent, then, and in that case, the next of kin of such deceased persons may sue for, receive and collect such claims in their own names: *Provided*, That the same so received shall be distributed in accordance with the statutes of descent and distribution, if such person left no will, but in the event such person left a last will and testament, then in accordance with such will.

SEC. 2. *Be it further enacted*, That if the said claims or any of them were reduced to judgment in the life time of such decedent, or by his administrators or his executor, then such judgment or judgments may be revived by *scire facias* in the name of the next of his kin or decedent to enable such next of kin to enforce collection of the same.

SEC. 3. *Be it further enacted*, That this act shall take effect from and after its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives
TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, February 27, 1860.

CHAPTER 59.

AN ACT to repeal Sections 1075 and 1088 of the Code of Tennessee, requiring quarterly settlements to be made by the Secretary of State as Internal Improvement Commissioner, with Turnpike Companies.

Be it enacted by the General Assembly of the State of Tennessee, That sections 1075 and 1088 of the Code, be and the same are hereby repealed, and that hereafter the Secretary of State, as Internal Improvement Commissioner, shall only be required to make semi-annual settlements with the Internal Improvement Companies in which the State is the owner of stock.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, March 13, 1860.

CHAPTER 60.

AN ACT to amend Section 2145, of the Code.

Sales of land and
slaves to be pub-
lished in news-
papers

Be it enacted by the General Assembly of the State of Tennessee, That section 2145 of the Code of Tennessee, be so amended as to read, every person whose duty it is to sell land or slaves in a fiduciary capacity or under judicial orders or process, shall in the absence of any special provisions on the subject, in the authority under which he acts, publish such sale at least three different times in some newspaper published in the county where the sale is to be made, the first of which publications shall be at least twenty days previous to the sale.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, March 14, 1860.

CHAPTER 61.]

AN ACT to amend Section 2838 of the Code.

Be it enacted by the General Assembly of the State of Tennessee, That section 3338 of the Code of Tennessee, be so changed as to authorize Courts of Chancery to invest the proceeds of sales made of the property of persons laboring under disability, as provided by chapter 3, article 7, of the Code, in other slaves, if for the interest of those entitled to the fund to be invested.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 14, 1860.

CHAPTER 62.

AN ACT to authorize the County Judges or the Chairman of the several County Courts of this State to appoint Administrators *pendente lite* in all cases where any will may be the subject of contest or litigation in their Courts.

Be it enacted by the General Assembly of the State of Tennessee, That the several County Judges, and the Chairman of the several County Courts of this State are hereby authorized and empowered to appoint an Administrator *pendente lite*, in any case which may arise in their several Courts, where any will may be the subject of contest or litigation.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 15, 1860.

CHAPTER 63.

AN ACT to amend the Criminal Laws of the State.

Be it enacted by the General Assembly of the State of Tennessee, That in no case shall any person convicted of a felony, be confined for a less period than twelve months in

the penitentiary: *Provided*, That whenever in the opinion of the jury, in any case the offence merits a less punishment than twelve months in the penitentiary, that then in such case, the jury may punish by confinement in the County jail, for any period of time short of twelve months.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ W. NEWMAN,

Speaker of the Senate.

Passed, March 15, 1860.

CHAPTER 64.

AN ACT to reduce the State Tax on the privilege of standing Stallions and Jacks.

SECTION 1. *Be it enacted by the Grneral Assembly of the State of Tennessee*, That hereafter all laws or parts of laws providing for the paying of privileges for keeping or standing any stallion or jack, be repealed, and the same shall hereafter be taxed as other property.

SEC. 2. *Be it enacted*, That no license shall be necessary in order to stand a stallion or jack, but every stallion or jack which is kept for the purpose of serving mares, shall be taxed according to value in this State, and this tax shall be paid in lieu of the license now paid.

SEC. 3. *Be it enacted*, That non-residents desiring to stand his or their stallion or jack in this State for the purpose of serving mares, shall be subject to, and pay the same license as now required by the laws in this State that is amended or repealed by this Act.

SEC. 2. *Be it enacted*, That this act take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 15, 1860.

CHAPTER 65.

AN ACT to increase the Jurisdiction of Justices of Peace.

Be it enacted by the General Assembly of the State of Tennessee, That Justices of the Peace shall have jurisdiction in replevin cases to one hundred dollars, and cases for damage that they now have jurisdiction in, to one hundred dollars.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 15, 1860.

CHAPTER 66.

AN ACT to amend the Exemption Laws of this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That section 2109, article 1, chapter 4, title 2, of part 2, of the Code, be so amended as to strike out the following words: "not to be worth more than one hundred dollars," and that from and after the passage of this act, there shall be exempt in the hands of each mechanic in the State, who is engaged in the pursuit of his trade or occupation, one set of mechanics' tools, such as are usual and necessary to the pursuit of his trade.

Mechanics' tools..

SEC. 2. *Be it further enacted,* That hereafter there shall be exempt from execution or attachment in the heads of families, or any single female who uses the same for a livelihood, one sewing machine; and to heads of families one additional cow and calf, fifty pounds picked cotton and twenty-five pounds of wool, a sufficient quantity of upper and sole leather to provide winter shoes for the family: *Provided,* That the provisions of this Act shall not apply to debts contracted previous to its passage.

Sewing Machine-
and other arti-
cles.

SEC. 3. *Be it further enacted,* That in addition to the horse now exempt by law from execution, an additional horse or mule shall be exempt from execution; and also there

counsel of non-resident parties, and such service shall have the same effect as if served on the party himself.

Sec. 2. *Be it further enacted,* That in all cases where depositions are taken by filing interrogatories with the clerk as provided by section 3858 of the Code, it shall be the duty of the clerk to give notice of the filing of such interrogatories, to the counsel of the opposite party and such notice shall be sufficient, if such opposite party be a non-resident.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 9, 1860

CHAPTER 54.

AN ACT to authorize Justices of the Peace in this State to Issue Executions in certain cases, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That when the docket book and original papers belonging to the office of any Justice of the Peace in any county in this State, have been or may hereafter be destroyed by fire, or any other way, and said Justice of the Peace shall make oath to that effect, then and in that case, it shall be lawful for such Justice, or his successor in office, (upon the plaintiff, his agent, attorney, or returning officer filing with said Justice, or his successor in office, an affidavit setting forth the name of the plaintiff or plaintiffs, defendant or defendants, the date and amount of his, her or their judgment as near as may be and that the same has not been paid,) to issue execution as though the original papers and docket book had not been destroyed and that the same shall be as good and valid and have the same force and effect, as other executions issued by Justices of the Peace.

When papers are destroyed by fire.

Sec. 2. *Be it further enacted,* That all suits now brought on bills filed, auxiliary proceedings, or supplemental, or which may hereafter be filed in the Chancery Court at Chattanooga, in aid of suits pending in the Chancery Court at Harrison, are hereby declared to be as valid as if filed or instituted in the Chancery Court at Harrison, and the Chancellor shall on application of the counsel on either side transfer such auxiliary proceedings to the Chancery

Chancery Court at Chattanooga.

Court at Harrison, in such manner and upon such terms as he may think right and proper, then to be disposed of according to the rules of that court, and the law and equity of the case.

SEC. 3. *Be it further enacted*, That all suits now brought on bills filed as auxiliary proceedings or supplemental, or which may hereafter be brought or filed in the Chancery Court at Harrison in aid of suits pending in the Chancery Court at Chattanooga, are hereby declared as valid as if filed in the Chancery Court at Chattanooga, and the Chancellor shall upon the application of the counsel on either side, cause such proceedings to be transferred to the Chancery Court at Chattanooga on such terms as he may think right and proper, there to be finally disposed of according to the rules of said court and the law and equity of the case.

Chancery Court
at Chattanooga.

SEC. 4. *Be it further enacted*, That in all cases where attachments issue from any court or magistrate, the officer executing the same shall be allowed one dollar for such service.

SEC. 5. *Be it further enacted*, That this act take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 9, 1860.

CHAPTER 55.

AN ACT providing for the sale of State Stock in all Turnpikes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Secretary of State be and he is hereby authorized and empowered to advertise and sell all the stocks owned by the State in all the Turnpike Companies of this State at such prices and on such terms as may be, agreed to and deemed best for the interest of the State by the said Secretary, the Governor of the State and the Comptroller.

SEC. 2. *Be it further enacted*, That the fund arising from said sale when made, shall be appropriated to the extinguishment of the actual indebtedness of the State, by the

this Act are intended to embrace railroad tax collectors who have gone out of office as well as those now in office.

SEC. 6. *Be it further enacted*, That this act shall take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 22, 1860.

CHAPTER 69.

AN ACT to repeal Section 1592 of the Code, in reference to the admission of Pupils into the Tennessee Deaf and Dumb School.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section 1592 of the Code, requiring the certificate of the Clerk of the County Court of the county from which the pupil comes under the seal of his office, of the fact that such pupil is a pauper, before the Comptroller shall issue his warrant to defray his or her expenses at the Tennessee Deaf and Dumb School, be and the same is hereby repealed.

Pauper pupils.

SEC. 2. *Be further enacted*, That the Trustees and teachers of said School may admit citizens of Tennessee who are deaf and dumb, to the privileges of said school and upon the certificate of the principal of said school or Treasurer of the Board of Trustees of the names and number of such pupils so admitted the Comptroller shall issue his warrant as herein before directed in the act which this is intended to amend, at the rate of two hundred dollars a pupil a year: *Provided*, That the Board of Trustees shall be satisfied that such pupil is unable to defray his or her expenses at said school.

Blind.

SEC. 3. *Be it further enacted*, That the provisions of this act shall apply to the admission of pupils in the Blind School.

Appropriations.

SEC. 4. *Be it further enacted*, That the sum of eight thousand dollars is appropriated out of the Treasury for the purpose of repairing the buildings, making necessary cisterns and purchasing necessary furniture and apparatus for the Deaf and Dumb School at Knoxville, and the Comptroller is hereby directed to issue his warrant to the Trustees of said Institution for the same.

SEC. 5. *Be it further enacted*, That the sum of seven thousand dollars, be and the same is hereby annually appropriated out of any money in the Treasury of the State to the Memphis Hospital, for the years 1860 and 1861, to be paid to the Treasurer of the Board of Trustees of said hospital upon the warrant of the Comptroller of the State, by instalments every six months, the first instalment to be paid the first day July, 1860. Memphis Hospital.

SEC. 6. *Be it further enacted*, That an Act passed the 29th day of February, 1856, for the sale of the Hospital grounds at Memphis, be and the same is hereby revived.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, March 12, 1860.

CHAPTER 70.

AN ACT to amend Sections 567, 568, 569 and 570 of the Code.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That sections 567, 568, 569 and 570 of the Code of Tennessee, be so amended as to read as follows : the assessor shall enter the assessment of real and personal property and persons in one book, which shall be suitably ruled, showing in separate columns, 1st, the name in alphabetical order of each owner of the property assessed in each civil district, unless the owner be unknown, in which case it shall be so stated; 2d, the number of acres of land; 3d, the value thereof; 4th, the number of town lots; 5th, the value thereof; 6th, the number of slaves; 7th, the value thereof; 8th, the value of all other taxable property; 9th, the polls. Assessor's duties.

SEC. 2. *Be it further enacted*, That the Commissioner shall advertise as directed in the Code, section 571, but it shall not be necessary or compulsory for said Commissioner to go on and examine land where he has a personal knowledge of the same. Assessor's duties.

SEC. 3. *Be it further enacted*, That all laws making it the duty of the Commissioners to compute the State tax on their respective books, be and the same is hereby repealed. Assessor's duties.

SEC. 4. *Be it further enacted*, That the Commissioners shall assess both real and personal property at the same

time, and upon a return of their respective lists to the clerk of the County Court, and it shall be the duty of said clerk to make out from said lists, a book for his office, and one for the tax collector, to be delivered to said collector in the time now prescribed by law.

Code, Sec. 560.

SEC. 5. *Be it further enacted*, That section five hundred and sixty of the Code be repealed.

Code, Sec. 562.

SEC. 6. *Be it further enacted*, That section five hundred and eighty-two of the Code be so amended that the word "district" shall be used instead of county in the sixth line of said section.

Code, Sec. 593.

SEC. 7. *Be it further enacted*, That section 573 of the Code be so amended, that the following oath be taken: "You do solemnly swear that this list contains a correct statement of all your personal property that is taxable, and also a correct list of all your real estate that lies in this civil district, with a true description thereof, so help you God."

SEC. 8. *Be it further enacted*, That this act take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 15, 1860.

CHAPTER 71.

AN ACT to provide for the Distribution of Unclaimed Assets after five years.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That when any administrator has or may hereafter have in his hands any part of the estate of his intestate unclaimed by the next of kin or creditors, and the next of kin to whom the same is due or their residences are not known to said administrator, and the same shall remain unclaimed for five years from the date of the first administration, and there shall be next of kin of the intestate who are known or shall make it appear that they are such, it shall be the duty of said administrator, to distribute said estate equally among said last mentioned next of kin, taking from them bond with good security to be approved of by the County Court, and filed with said Court and recorded as ad-

administrator's bonds are recorded, to pay to the next of kin whose residence is not known their portion of said estate.

SEC. 2. *Be it further enacted*, That the bonds taken by the administrator as provided in the first section of this act, shall be made payable to the State of Tennessee for the use of said next of kin, whose residence is not known, and shall be deposited by the administrator with the Clerk of the County Court of the county where said administration is granted: *Provided*, The provisions of this act shall not apply to minor heirs or distributees.

SEC. 3. *Be it further enacted*, That so much of section 2282 and 2283 of the Code, as comes in conflict with this act, be and the same is hereby repealed, and that this act take effect from the date of its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 15, 1860.

CHAPTER 72.

AN ACT to facilitate Public Travel.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of all incorporated towns in this State, when a public road passes through said corporation, or to any public place within the same, to keep said road in the same repair that overseers are required to keep their roads: *Provided*, That nothing in this act shall be so construed as to apply to any railroad.

Corporation to
keep roads in re-
pair.

SEC. 2. *Be it further enacted*, That it shall be the duty of the Grand Jury to make presentments against the mayor and aldermen of any incorporated town, who violate the first section of this act.

SEC. 3. *Be it further enacted*, That it shall be the duty of all incorporated towns in this State, to keep an organized Board of Mayor and Aldermen, and if any incorporated town fail to keep an organized Board for six months together, the citizens of said town shall be subject to work on the public roads for the space of twelve months thereafter and until a board is elected and organized.

SEC. 4. *Be it further enacted*, That the eastern boundary line

McMinnville.

of the corporation of the town of McMinnville, be so defined as to run from J. B. Thompson's spring near the line of J. W. Mitchell to North Spring.

SEC. 5. *Be it further enacted*, That this act take effect from and after its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.
TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, March 15, 1860.

CHAPTER 73.

AN ACT to authorize the Faculty of the Law Department of the Cumberland University to Grant license to practice law.

Be it enacted by the General Assembly of the State of Tennessee, That the Faculty of the law department of Cumberland University, or any other Law Schools in this State, shall have the same power to grant license to practice law in the courts of this State, that the Judges of the Courts now have. This act to take effect from date of its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.
TAZ. W. NEWMAN
Speaker of the Senate.

Passed, March 15, 1860.

CHAPTER 74.

AN ACT to amend the General Internal Improvement Law.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Railroad Companies of this State, be and they are hereby authorized to use a solid T rail, weighing fifty-four pounds to the linear yard in the construction of the roadway: *Provided, however*, That the Commissioner of roads shall be satisfied and report the same in a written report to be made to the Governor of the

State, that said rail is equal in durability and point of efficiency to the tubular T rail weighing fifty pounds to the linear yard, and authorized to be used by an act of the last General Assembly of this State.

SEC. 2. *Be it further enacted*, That this act go into effect from and after its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, March 14, 1860.

CHAPTER 75.

AN ACT to regulate the time of opening and holding Elections in this State.

Be it enacted by the General Assembly of the State of Tennessee, That in all elections in this State for electors for President and Vice-President of the United States, Governor, members of Congress, members of the State Legislature, Judges of the Supreme, Chancery and Circuit Courts, Judges of the County Court, in those counties where County Judges are elected, Sheriffs, Clerks of the Circuit and County Courts, Registers, Trustees, Justices of the Peace, Constables, Attorney Generals, and Reporter for the State, and Attorney Generals for the various Judicial Districts, the polls shall be hereafter opened at nine o'clock, A. M., and closed at 4 o'clock, P. M.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, March 16, 1860.

CHAPTER 76.

AN ACT to modify Section 5581 of the Code.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That any person tried and acquitted of a public offence, as provided in section 5581 of Costs.

the Code, shall be liable for the cost in his behalf sustained, unless the court trying such person shall adjudge the same against the prosecutor, State or county which the court is hereby empowered to do.

Costs.

SEC. 2. *Be it further enacted*, That in all cases where any civil action is brought on behalf of the State, in law or equity, and the State shall be adjudged to pay costs, such costs shall be paid out of the Treasury, upon the same being properly certified.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 17, 1860.

CHAPTER 77.

AN ACT to amend the Fee Bill of County Court Clerks and Secretary of State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the County Court Clerks of this State shall be entitled to one dollar for the first hundred words, fifty cents for every hundred words thereafter for taking and stating accounts of guardians, executors, and administrators, four figures to be counted one word, and figures to be used when practicable: *Provided*, That when making settlements with administrators and executors, the clerks shall not be allowed to incorporate the inventory and account of sales of such estates in their settlements; but shall only state the aggregate amount of the inventory of the estates. This act to take effect from and after its passage.

SEC. 2. *Be it further enacted*, That the law regulating the fees of the Secretary of State, be so construed and understood as to allow him to demand and receive ten cents per hundred words for all copies, transcripts, or records made by him, and one dollar for attesting with his signature and affixing the seal of the State to all papers, to be paid for by the party or parties for whom the same is done, whether for the State, or individuals: *Provided*, The law relative

to fees on grants and commissions to Justices of the Peace remain as heretofore.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, March 17, 1860.

CHAPTER 78.

AN ACT to modify the Law relative to killing Wolves, Wild-cats and Red Foxes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section 1678, 1680 and 1681 of the Code be, and they are hereby so modified, that it shall be lawful for any person who kills a wolf, wild cat or red fox running wild in the county, to go before any magistrate in the county, producing the scalp with both ears, and making oath or proof that he killed said animal in the aforesaid county, the magistrate shall issue his certificate, by the applicant paying ten cents, stating the facts, and this certificate accompanied by the aforesaid scalp shall answer every purpose before the County Court as though the applicant was present in person.

SEC. 2. *Be it further enacted*, That for the scalp or scalps of each wild cat, or red fox presented, as required in the above section, the person or persons killing the same shall be entitled to a certificate for one dollar for each scalp so presented, which shall be received by the collectors of the revenue, and shall be good vouchers in their hands on the settlement of their accounts with the Comptroller of the Treasury.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, March 19, 1860.

CHAPTER 79.

AN ACT to ratify and confirm the work of the Commissioners appointed to run and re-mark the line established by compact between the States of Kentucky and Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the report of Benjamin Peeples and O. R. Watkins, Commissioners for this State, and Austin P. Cox, and C. M. Briggs, Commissioners for the State of Kentucky, dated the eleventh day of November, eighteen hundred and fifty-nine, and filed in the office of the Secretary of State, setting forth the operations of the Commissioners in fixing, establishing and re-marking the boundary between this State and the State of Kentucky, be and the same is hereby ratified and confirmed; and that the line so fixed, established and re-marked, and hereinafter mentioned and specified, and set forth in this Act.

Beginning on the east bank of the Mississippi river, near Compromise, Kentucky, in north latitude thirty-six degrees, twenty-nine minutes and fifty-five and seven-tenth's seconds, ($36^{\circ} 29' 55''.7$), and running south eighty-nine degrees, fifteen minutes and eighteen seconds, east, (S. $89^{\circ} 15' 18''$ E.), passing a large set rock at station four hundred and fifty-six feet, (0.456,) and passing a small set rock at station twelve thousand eight hundred and forty feet, (12.840,) to station thirteen thousand two hundred and fifteen feet, (13.215,) the west bank of the Mississippi river.

Beginning on the east bank of the Mississippi river, at station thirty-five thousand three hundred and sixty-three feet, (35.363,) in latitude thirty-six degrees, thirty minutes and twenty-nine hundredth's of a second, ($36^{\circ} 30' 00''.29$), and running south eighty-nine degrees, thirty-five minutes and fifteen seconds east, (S. $89^{\circ} 35' 15''$ E.), passing a set rock at station thirty-five thousand eight hundred and seventy-seven feet, (35.877,) to a set rock at station forty thousand and fifty-five feet, (40.055); thence north eighty-three degrees, forty minutes and nineteen seconds, east, (N. $83^{\circ} 40' 19''$ E.), passing stone No. 1, at station fifty-two thousand and eight hundred feet, (52.800) to station sixty-six thousand seven hundred and fifty-one, (66.751,) to a mulberry post; thence south, eighty-eight degrees, thirty-five minutes and fourteen seconds east, (S. $88^{\circ} 35' 14''$ E.), to stone No. 2, station seventy-nine thousand five hundred and fifty ft., (79.550,) thence south eighty-eight degrees, fifty-seven minutes and forty seconds, east, (S. $88^{\circ} 57' 40''$ E.), to station ninety thousand seven hundred and twenty-three ft., (90.723); thence south, eighty-eight degrees, and five minutes east,

(S. $88^{\circ} 05'$, E.,) to station ninety-five thousand eight hundred and sixty ft., (95.860); thence south, eighty-eight degrees, and ten minutes east, (S. $88^{\circ} 10'$, E.,) to station one hundred and one thousand, three hundred and four feet, (101.304); thence south eighty-seven degrees and fifty-seven minutes east, (S. $87^{\circ} 57'$, E.,) to stone No. 3, station one hundred and five thousand and six hundred ft., (105.600); thence as follows, same course continued, to station one hundred and six thousand five hundred and eighty-six feet, (106.586); south eighty-eight degrees and twenty-five minutes east, (S. $88^{\circ} 25'$, E.,) to station one hundred and eleven thousand eight hundred and fifty-eight, (111.858); south eighty-eight degrees and five minutes east, (S. $88^{\circ} 05'$, E.,) to station one hundred and seventeen thousand two hundred and twenty-six feet, (117.226); south eighty-nine degrees and sixteen minutes, east, (S. $89^{\circ} 16'$, E.,) to station one hundred and twenty-three thousand and fifty-nine feet, (123.059); south eighty-nine degrees and forty-six minutes, east, (S. $89^{\circ} 46'$, E.,) to station one hundred and twenty-five thousand six hundred and sixty-seven, (125.667); south eighty-seven degrees and fifty-seven minutes east, (S. $87^{\circ} 57'$, E.,) to station one hundred and twenty-eight thousand three hundred and seven feet, (128.307); south eighty-eight degrees and thirty-three minutes east, (S. $88^{\circ} 33'$, E.,) to station one hundred and thirty-one thousand and thirty-five feet, (131.035); south eighty-eight degrees and thirty-three minutes east, (S. $88^{\circ} 33'$ E.,) passing stone No. 4, at station one hundred and thirty-two thousand feet, (132.000,) to station one hundred and thirty-three thousand seven hundred and twenty ft., (133.720); south eighty-eight degrees and seven minutes, east, (S. $88^{\circ} 07'$, E.,) to station one hundred and thirty-six thousand and three hundred and sixty-feet, (136.360); south eighty-nine degrees and forty-two minutes east, (S. $89^{\circ} 42'$, E.,) to station one hundred and thirty-nine thousand and seven ft., (139.007); south eighty-nine degrees and twenty-eight minutes east, (S. $89^{\circ} 28'$ E.,) to station one hundred and forty-one thousand, seven hundred and seventy ft., (141.779); south eighty-eight degrees and fifteen minutes east, (S. $88^{\circ} 15'$, E.,) passing stone on Mobile and Ohio Railroad, at station one hundred and forty-four thousand one hundred and fifty-four feet, (144.154); latitude of rock at Mobile and Ohio Railroad, thirty-six degrees, thirty minutes, nine and nine hundredth's seconds, ($36^{\circ} 30' 09.''09$,) to station one hundred and forty-four thousand five hundred and seventy-five, (144.575); south eighty-eight degrees and sixteen minutes east, (S. $88^{\circ} 16'$,

E.,) to station one hundred and forty-seven thousand two hundred and thirty feet, (147·230); south eighty-eight degrees and thirty-two minutes east, (S. 88° 32' E.,) to station one hundred and forty-nine thousand eight hundred and fifty-five feet, (149·855); south eighty-nine degrees and two minutes east, (S. 89° 02' E.,) to station one hundred and fifty-two thousand five hundred and eighty-six feet, (152·586); south eighty-nine degrees and twenty-one minutes east, (S. 89° 21' E.,) to station one hundred and fifty-four thousand eight hundred and sixty-four feet, (154·864); south eighty-seven degrees and thirty minutes east, (S. 87° 30' E.,) to station one hundred and fifty-seven thousand four hundred and thirty-nine feet, (157·439); south eighty-seven degrees and forty-three minutes east, (S. 87° 43' E.,) passing stone No. 5, to station one hundred and sixty thousand six hundred and fifty-seven feet, (160·657); south eighty-nine degrees and twelve minutes east, (S. 89° 12' E.,) to station one hundred and sixty-three thousand three hundred and eighty-four ft., (163·384); south eighty-nine degrees and fifteen minutes east, (S. 89° 15' E.,) to station one hundred and sixty-six thousand one hundred feet, (166·100); south eighty-nine degrees and thirty-one minutes east, (S. 89° 31' E.,) to station one hundred and sixty-eight thousand seven hundred and seventy ft., (168·170); south eighty-nine degrees and fifty-one minutes east, (S. 89° 51' E.,) to station one hundred and seventy-one thousand three hundred and fifty-six ft., (171·356); south eighty-nine degrees and forty-nine minutes east, (S. 89° 49' E.,) to station one hundred and seventy-four thousand two hundred and twenty-five feet, (174·225); north eighty-nine degrees and eighteen minutes east, (N. 89° 18' E.,) to station one hundred and seventy-six thousand eight hundred and thirty-seven feet, (176·837); north eighty-nine degrees and twenty-eight minutes east, (N. 89° 28' E.,) to station one hundred and seventy-nine thousand five hundred and forty-three feet, (179·543); north eighty-nine degrees and fifty-seven minutes east, (N. 89° 57' E.,) to station one hundred and eighty-two thousand, one hundred and eighty-seven feet, (182·187); north eighty-nine degrees and fifty-nine minutes east, (N. 89° 59' E.,) to station one hundred and eighty-four thousand eight hundred feet, (184·800), stone No. 6; north eighty-nine degrees and twenty-five minutes east, (N. 89° 25' E.,) to station one hundred and eighty-seven thousand five hundred and thirty-one ft., (187·531); north eighty-nine degrees and ten minutes east, (N. 89° 10' E.,) to station one hundred and ninety thousand two hundred and twenty-six feet, (190·226); north eighty-nine degrees and forty-one min-

utes east, (N. $89^{\circ} 41'$, E.,) to station one hundred and ninety-two thousand eight hundred and thirty feet, (192. . 830); north eighty degrees and fifty-seven minutes east, (N. $80^{\circ} 57'$, E.,) to station one hundred and ninety five thousand four hundred and ninety feet, (195. . 490); north eighty-nine degrees and four minutes east, (N. $89^{\circ} 04'$, E.,) to station one hundred and ninety-eight thousand three hundred and fifty-eight feet, (198. . 358); north eighty-nine degrees and nineteen minutes east, (N. $89^{\circ} 19'$, E.,) to station two hundred thousand eight hundred and thirty-three feet, (200. . 833); south eighty-nine degrees and fifty-one minutes east, (S. $89^{\circ} 51'$, E.,) to station two hundred and three thousand five hundred and four feet, (203. . 504); north eighty-nine degrees and thirty seven minutes east, (N. $89^{\circ} 37'$, E.,) to station two hundred and six thousand one hundred and sixty-nine ft., (206 by 169); north eighty-nine degrees and twenty-two minutes east, (N. $89^{\circ} 22'$, E.,) to station two hundred and eight thousand seven hundred and eighty-four feet, (208. . 784); north eighty-nine degrees and fifty-two minutes east, (N. $89^{\circ} 52'$, E.,) passing stone No. 7, to station two hundred and eleven thousand six hundred and nineteen feet, (211. . 619); south eighty-nine degrees and forty-nine minutes east, (S. $89^{\circ} 49'$, E.,) to station two hundred and fourteen thousand two hundred and ten feet, (214. . 210); north eighty-nine degrees and thirty-four minutes east, (N. $89^{\circ} 34'$, E.,) to station two hundred and sixteen thousand nine hundred and eight feet, (216. . 908); north eighty-nine degrees and seventeen minutes east, (N. $89^{\circ} 17'$, E.,) to station two hundred and nineteen thousand six hundred and eleven feet, (219. . 611); north eighty-nine degrees and twenty minutes east (N $89^{\circ} 20'$, E.,) to station two hundred and twenty-two thousand two hundred and ninety-six ft., (222. . 296); south eighty-nine degrees and thirty-five minutes east, (S. $89^{\circ} 35'$, E.,) to station two hundred and twenty-four thousand nine hundred and seventy feet, (224. . 970); north eighty-nine degrees and fifty-three minutes east, (N. $89^{\circ} 53'$, E.,) to station two hundred and twenty-seven thousand six hundred and twenty feet, (227. . 620); south eighty-nine degrees and fifty-two minutes east, (S. $89^{\circ} 52'$, E.,) to station two hundred and thirty thousand two hundred and eighty-six feet, (230. . 286); south eighty-nine degrees and fifty-two minutes east, (S. $89^{\circ} 52'$, E.,) to station two hundred and thirty-two thousand nine hundred and twenty-one feet, (232. . 921); south eighty-nine degrees and forty minutes east, (S. $89^{\circ} 40'$, E.,) to station two hundred and thirty-five thousand six hundred and twenty-eight feet, (235. . 628); east, passing stone No. 8, to station two hundred

and thirty-eight thousand, three hundred and thirty-seven feet, (238.337); south eighty-nine degrees and thirty-five minutes east, (S. $89^{\circ} 35'$ E.,) to station two hundred and forty-one thousand one hundred and sixteen feet, (241.116,) south eighty-eight degrees and thirty-seven minutes east, (S. $88^{\circ} 37'$ E.,) to station two hundred and forty-three thousand seven hundred and seventy-four feet, (243.774); north eighty-nine degrees and thirty-eight minutes east, (N. $89^{\circ} 38'$ E.,) to station two hundred and forty-six thousand two hundred and ninety ft., (246.290); south eighty-nine degrees and twenty-three minutes east, (S. $89^{\circ} 23'$ E.,) to station two hundred and forty-eight thousand nine hundred and fifty-six feet, (248.956); south eighty-nine degrees and thirty-nine minutes east, (S. $89^{\circ} 39'$ E.,) to station two hundred and fifty-one thousand five hundred and ninety-one feet, (251.591); south eighty-eight degrees and twenty-two minutes east, (S. $88^{\circ} 22'$ E.,) to station two hundred and fifty-four thousand two hundred and sixty-eight feet, (243.268); north eighty-nine degrees fifty-four minutes east, (N. $89^{\circ} 54'$ E.,) to station two hundred and fifty-six thousand nine hundred and fifty feet, (256.950); south, eighty-seven degrees and fifty-eight minutes east, (S. $87^{\circ} 58'$ E.,) to station two hundred and fifty-nine thousand three hundred and twenty feet, (259.320); north, eighty-nine degrees and thirty minutes east, (N. $89^{\circ} 30'$ E.,) to station two hundred and sixty-one thousand nine hundred and sixty feet, (261.960); north, eighty-nine degrees and thirty-three minutes east, (N. $89^{\circ} 33'$ E.,) passing stone No. 9 (nine) which is seventeen feet north of line, to station two hundred and sixty-four thousand, nine hundred feet, (264.900); south, eighty-nine degrees twenty-two minutes east, (S. $89^{\circ} 22'$ E.,) to station two hundred and sixty-seven thousand five hundred and fifty one feet, (267.551); north, eighty-nine degrees and eleven minutes east, (N. $89^{\circ} 11'$ E.,) to station two hundred and seventy thousand one hundred and six feet, (2701.06); north, eighty-nine degrees and forty-eight minutes east, (N. $89^{\circ} 48'$ E.,) to station two hundred and seventy-two thousand eight hundred and seventy-two feet, (272.872); north, eighty-nine degrees and twenty-seven minutes east, (N. $89^{\circ} 27'$ E.,) to station two hundred and seventy-four thousand nine hundred and eighty feet, (274.980); north, eighty-nine degrees and two minutes east, (N. $89^{\circ} 2'$ E.,) to station two hundred and seventy-seven thousand nine hundred and seventeen feet, (277.917); north, eighty-six degrees and fifty-six minutes east, (N. $86^{\circ} 56'$ E.,) to station two hundred and eighty-thousand eight hundred and eighty-three feet,

(280. .883); north eighty-seven degrees and forty minutes east, (N. $87^{\circ} 40'$ E.,) to station two hundred and eighty-three thousand five hundred and seventy-eight feet, (283. .578); north eighty-eight degrees and thirty-two minutes east, (N. $88^{\circ} 32'$ E.,) to station two hundred and eighty-five thousand nine hundred and sixty feet, (285. .960); north eighty-seven degrees and fifty minutes east, (N. $87^{\circ} 50'$ E.,) to station two hundred and eighty-eight thousand six hundred and sixty-nine feet, (288. .669); north eighty-eight degrees and thirty-seven minutes east, (N. $88^{\circ} 37'$ E.,) passing stone No. 10, to station two hundred and ninety-one thousand three hundred and seventy-six feet, (291. .376); north eighty-nine degrees and thirty-five minutes east, (N. $89^{\circ} 35'$ E.,) to station two hundred and ninety-three thousand and nine hundred and ninety-three feet, (293. .993); north eighty-eight degrees and fifty-nine minutes east, (N. $88^{\circ} 59'$ E.,) to station two hundred and ninety-six thousand six hundred and seventy-nine feet, (296. .679); north eighty-eight degrees and fifty-four minutes east, (N. $88^{\circ} 54'$ E.,) to station two hundred and ninety-nine thousand three hundred and thirty-three feet, (299. .333); south eighty-eight degrees and thirty-six minutes east, (S. $88^{\circ} 36'$ E.,) to station three hundred and one thousand nine hundred and eighty-nine feet, (301. .989); south eighty-eight degrees and thirty-two minutes east, (S. $88^{\circ} 32'$ E.,) to station three hundred and four thousand six hundred and fifty feet, (304. .650); south eighty-nine degrees and thirty-four minutes east, (S. $89^{\circ} 34'$ E.,) to station three hundred and seven thousand five hundred and twenty-three feet, (307. .523); north eighty-nine degrees and forty-five minutes east, (N. $89^{\circ} 45'$ E.,) to station three hundred and nine thousand nine hundred and ninety-eight feet, (309. .998); south eighty-eight degrees and twenty-eight minutes east, (S. $88^{\circ} 28'$ E.,) to station three hundred and twelve thousand nine hundred and seventy-five feet, (312. .975); south eighty-nine degrees and fifty-four minutes east, (S. $89^{\circ} 54'$ E.,) to station three hundred and fifteen thousand six hundred and forty-two feet, (315. .642); south eighty-nine degrees and thirty-four minutes, (S. $89^{\circ} 34'$ E.,) passing stone No. 11, to station three hundred and seventeen thousand nine hundred and eight feet, (317. .908); south eighty-nine degrees and fifty-three minutes east, (S. $89^{\circ} 53'$ E.,) to station three hundred and twenty thousand five hundred and sixty feet, (320. .560); south eighty six-degrees and thirty-seven minutes east, (S. $86^{\circ} 37'$ E.,) to station three hundred and twenty-three thousand two hundred feet, (323. .200); south eighty-nine degrees and thirteen minutes east, (S. $89^{\circ} 13'$ E.,) to station three hundred and twenty-five thousand six hun-

dred and eighty-two feet, (325.682); south eighty-nine degrees and nineteen minutes east, (S. $89^{\circ} 19' E.$) to station three hundred and twenty-eight thousand four hundred and twelve feet, (328.412); south eighty-nine degrees and thirteen minutes east, (S. $89^{\circ} 13' E.$) to station three hundred and thirty-one thousand and seventy-five feet, (331.75); south eighty-nine degrees and nine minutes east, (S. $89^{\circ} 09' E.$) to station three hundred and thirty-four thousand one hundred and eighty-eight feet, (334.188); south eighty-eight degrees and fifty-one minutes east, (S. $88^{\circ} 51' E.$) to station three hundred and thirty-six thousand three hundred and eighty-six feet, (336.386); south eighty-nine degrees and forty-two minutes east, (S. $89^{\circ} 42' E.$) to station three hundred and thirty-nine thousand four hundred and fifty-eight feet, (339.458); south eighty-nine degrees and thirty-four minutes east, (S. $89^{\circ} 34' E.$) to station three hundred and forty-two thousand four hundred and forty-six feet, (342.446); north eighty-nine degrees and thirty-three minutes east, (N. $89^{\circ} 33' E.$) passing rock No. 12, to station three hundred and forty four thousand seven hundred and fifty-six feet, (344.756); south eighty-nine degrees and fifty-eight minutes east, (S. $89^{\circ} 58' E.$) to station three hundred and forty-seven thousand three hundred and ninety-one feet, (347.391); south eighty-nine degrees and fifty minutes east, (S. $89^{\circ} 50' E.$) to station three hundred and fifty thousand and twenty-two feet, (350.022); south eighty-nine degrees and thirty-two minutes east, (S. $89^{\circ} 32' E.$) to station three hundred and fifty-two thousand six hundred and fourteen feet, (352.614); south eighty-nine degrees and forty-seven minutes east, (S. $89^{\circ} 47' E.$) to station three hundred and fifty-five thousand three hundred and seventy eight feet, (355.378); east to station three hundred and fifty-seven thousand nine hundred and ten feet, (357.910); south eighty-nine degrees and thirty-three minutes east, (S. $89^{\circ} 33' E.$) to station three hundred and sixty thousand six hundred and thirty-six feet, (360.636); south eighty-nine degrees and forty-five minutes east, (S. $89^{\circ} 45' E.$) to station three hundred and sixty-three thousand three hundred and thirty-two feet (363.332); south eighty-nine degrees and sixteen minutes east, (S. $89^{\circ} 16' E.$) to station three hundred and sixty-five thousand two hundred and sixty-seven feet (365.267); south eighty-nine degrees and twenty-nine minutes east, (S. $89^{\circ} 29' E.$) to station three hundred and sixty-eight thousand one hundred and sixty-one feet (368.161); south eighty-nine degrees and twenty-five minutes east, (S. $89^{\circ} 25' E.$) pass-

ing stone No. 18, to station three hundred and seventy-one thousand one hundred and seven feet (371.·107); south eighty nine degrees and eighteen minutes east, (S. 89° 18' E.,) to station three hundred and seventy-three thousand seven hundred and seventy feet (373.·770); south eighty-eight degrees and forty minutes east, (S. 88° 40' E.,) to station three hundred and seventy-six thousand four hundred and ten feet (376.·410); north eighty-eight degrees and fifty-eight minutes east, (N. 88° 58' E.,) to station three hundred and seventy-eight thousand six hundred and two feet (378.·602); north eighty-nine degrees and fifty-three minutes east, (N. 89° 53' E.,) to station three hundred and eighty-one thousand seven hundred and twenty-two feet (381.·722); south eighty-nine degrees and fifty-one minutes east, (S. 89° 51' E.,) to station three hundred eighty-four thousand and fifty feet (384.·050); south eighty-nine degrees and twenty-eight minutes east, (S. 89° 28' E.,) to station three hundred and eighty-six thousand six hundred and eighty-three feet (386.·683); south eighty-nine degrees and twenty-one minutes east, (S. 89° 21' E.,) to station three hundred and eighty-eight thousand eight hundred and sixty-one feet (388.·861); south eighty-nine degrees and fifty-four minutes east, (S. 89° 54' E.,) to station three hundred and ninety-one thousand five hundred and seventy-seven feet (391.·577); south eighty-nine degrees and thirty-six minutes east, (S. 88° 36' E.,) to station three hundred and ninety-four thousand one hundred and seventy-five (394.·175); to stone No. 14; north eighty-nine degrees and twenty-three minutes east, (N. 89° 23' E.,) to station three hundred and ninety-six thousand nine hundred and ninety-four feet (396.·994); north eighty-eight degrees and fifty-six minutes east, (N. 88° 56' E.,) to station three hundred and ninety-nine thousand five hundred and seventy-eight feet (399.·578); south eighty-eight degrees and forty-two minutes east, (S. 88° 42' E.,) to station four hundred and two thousand six hundred and ninety feet (402.·690); south eighty-five degrees and forty-five minutes east, (S. 85° 45' E.,) to station four hundred and five thousand two hundred and ten feet (405.·210); east to station four hundred and seven thousand eight hundred and thirty-three feet (407.·833); south eighty-nine degrees and thirty-nine minutes east, (S. 89° 39' E.,) to station four hundred and nine thousand five hundred and eighty-seven feet (409.·587); south eighty-nine degrees and one minute east, (S. 89° 01' E.,) to station four hundred and thirteen thousand and fifty feet (413.·050); south eighty-eight degrees and ten minutes east, (S. 88° 10' E.,) to station four hundred and fifteen thousand six hundred

and eighty-six feet (415.686); south eighty-eight degrees and twenty-three minutes east, (S. $88^{\circ} 23'$ E.,) to station four hundred and eighteen thousand four hundred and sixty-nine feet (418.469); south eighty-nine degrees and eighteen minutes east, (S. $89^{\circ} 18'$ E.,) passing stone No. 15, to station four hundred and twenty-three thousand nine hundred and eighteen feet (423.918); south eighty-eight degrees and sixteen minutes east, (S. $88^{\circ} 16'$ E.,) to station four hundred and twenty-five thousand nine hundred and seventy-five feet (425.975); south eighty-seven degrees and forty-five minutes east, (S. $87^{\circ} 45'$ E.,) to station four hundred and twenty-eight thousand one hundred and ninety-five feet (428.195); south eighty-eight degrees and forty-one minutes east, (S. $88^{\circ} 41'$ E.,) to station four hundred and thirty-one thousand eight hundred and twenty-nine feet (431.829); small rock on west bank of Tennessee River; Beginning at small stone on the east bank of Tennessee River station four hundred and twenty-seven thousand seven hundred and twenty-one feet (427.721); north eighty-six degrees and forty-one minutes east, (N. $86^{\circ} 41'$ E.,) to station four hundred and forty thousand one hundred and sixty-seven feet (440.167); south eighty-three degrees and twenty-eight minutes east, (S. $83^{\circ} 28'$ E.,) to station four hundred and forty-six thousand five hundred and sixty-three feet (446.563); south eighty-three degrees and eight minutes east, (S. $83^{\circ} 08'$ E.,) passing stone No. 16, to station four hundred and forty-nine thousand five hundred and forty-one feet (449.541); south eighty-two degrees and forty-five minutes east, (S. $82^{\circ} 45'$ E.,) to station four hundred and fifty-two thousand seven hundred and fifty-four feet (452.754); south eighty-two degrees and eight minutes east, (S. $82^{\circ} 08'$ E.,) to station four hundred and fifty-five thousand eight hundred and ninety-eight feet (455.898); south eighty-three degrees and eleven minutes east, (S. $83^{\circ} 11'$ E.,) to station four hundred and fifty-nine thousand seven hundred and eighty feet (459.780); south eighty-three degrees and thirty-three minutes east, (S. $83^{\circ} 33'$ E.,) to station four hundred and sixty-two thousand four hundred and ninety-nine feet (462.499); south eighty-two degrees and fifty-seven minutes east, (S. $82^{\circ} 57'$ E.,) to station four hundred and sixty-six thousand nine hundred and forty-four feet (466.944); south eighty-three degrees and thirty-seven minutes east, (S. $83^{\circ} 37'$ E.,) to station four hundred and seventy thousand seven hundred and nineteen feet (470.719); south eighty-four degrees and forty-four minutes east, (S. $84^{\circ} 44'$ E.,) to station four hundred and seventy-five thousand six hundred and sixty-six feet (475.666);

stone No. 17 on the west bank of Cumberland River ; south eighty-five degrees and twenty-nine minutes east, (S. $85^{\circ} 29'$ E.,) passing small stone on the east bank of Cumberland River, to station four hundred and ninety-one thousand three hundred and thirteen feet (491..313) ; small rock at hickory and gum ; south five degrees and twelve minutes west, (S. $5^{\circ} 12'$ W.,) eleven thousand one hundred and forty-nine feet to small stone at three black oaks, station four hundred and ninety thousand three hundred and two feet (490..302) ; north eighty-seven degrees and forty-four minutes east, (N. $87^{\circ} 44'$ E.,) passing stones No. 18 and No. 19, to station five hundred and thirty-six thousand eight hundred and twelve feet (536..812) ; north eighty-eight degrees and twenty minutes east, (N. $88^{\circ} 20'$ E.,) to stone No. 20, at station five hundred and fifty thousand three hundred and two feet (550..302) ; north eighty-eight degrees and thirty minutes east, (N. $88^{\circ} 30'$ E.,) to station five hundred and fifty-two thousand eight hundred and eighty-two feet (552..882) ; north eighty-nine degrees and twenty-one minutes east, (N. $89^{\circ} 21'$ E.,) to station five hundred and sixty-seven thousand two hundred and forty-seven feet (568..247) ; north eighty-nine degrees and sixteen minutes east, (N. $89^{\circ} 16'$ E.,) passing stone No. 21 to station five hundred and seventy-seven thousand four hundred and seventy-two feet (577..472) ; north eighty-eight degrees and forty-four minutes east, (N. $88^{\circ} 44'$ E.,) to station five hundred and eighty-five thousand eight hundred and ninety-seven feet (585..897) ; north eighty-nine degrees and thirty-one minutes east, (N. $89^{\circ} 31'$ E.,) to station five hundred and ninety-one thousand seven hundred and thirteen feet (591..713) ; north eighty-seven degrees and fifteen minutes east, (N. $87^{\circ} 15'$ E.,) to station five hundred and ninety-eight thousand five hundred and eighty-one feet (598..581) ; north eighty-nine degrees and forty-one minutes east (N. $89^{\circ} 41'$ E.,) to station six hundred thousand eight hundred and eighteen feet (600..818) ; north eighty-nine degrees and twenty-eight minutes east, (N. $89^{\circ} 28'$ E.,) to station six hundred and two thousand four hundred and sixty-nine feet (602..469) ; stone No. 22 ; north eighty-nine degrees and thirty-one minutes east, (N. $89^{\circ} 31'$ E.,) to station six hundred and six thousand one hundred and forty-four feet (606..144) ; north eighty-nine degrees and twenty-nine minutes east, (N. $89^{\circ} 29'$ E.,) to station six hundred and seventeen thousand eight hundred and eighteen feet (617..818) ; north eighty-nine degrees and six minutes east, (N. $89^{\circ} 06'$ E.,) to station six hundred and twenty three thousand five hundred and ninety-five feet (623..595) ; north eighty-eight

degrees and thirty-three minutes east, (N. 88° 33' E.,) to station six hundred and twenty six thousand and twenty-seven feet (626..027); north eighty-nine degrees and five minutes east, (N. 89° 05' E.,) to stone No. 23 at station six hundred and twenty-eight thousand eight hundred and sixty-seven feet (628..867); north eighty-nine degrees and eight minutes east (N. 89° 08' E.,) to station six hundred and thirty-four thousand nine hundred and ten feet (634..910); north eighty-eight degrees and forty-seven minutes east, (N. 88° 47' E.,) to station six hundred and thirty-seven thousand three hundred and seventy feet (637..370); north eighty-nine degrees and fifty-four minutes east, (N. 89° 54' E.,) to station six hundred and forty-five thousand and thirty-one feet (645..031); north eighty-nine degrees and twenty-four minutes east, (N. 89° 24' E.,) to station six hundred and fifty thousand three hundred and thirty-two feet (650..332); north eighty-nine degrees and fifty-eight minutes east, (N. 89° 58' E.,) passing stone No. 24, to station six hundred and fifty-five thousand nine hundred and twenty-five feet (655..925); north eighty-nine degrees and twenty-five minutes east, (N. 89° 25' E.,) to station six hundred and sixty-one thousand nine hundred and seventy-four feet (661..974); north eighty-nine degrees and forty-three minutes east, (N. 89° 44' E.,) to station six hundred and sixty-eight thousand and twelve feet (668..012); south eighty-nine degrees and forty-six minutes east, (S. 89° 46' E.,) to station six hundred and seventy-six thousand two hundred and sixty-nine feet, (676..269); north eighty-eight degrees and thirty-three minutes east, (N. 88° 33' E.,) to station six hundred and seventy-eight thousand seven hundred and fifty-nine feet, (678..759); north eighty-eight degrees and fifty minutes east, (N. 88° 50' E.,) passing stone No. 25, to station six hundred and eighty-five thousand six hundred and eighty-two feet, (685 682); north eighty-nine degrees and twenty-seven minutes east, (N. 89° 27' E.,) to station six hundred and ninety thousand two hundred and seven feet, (690..207); north eighty-nine degrees and thirty-one minutes east, (N. 89° 31' E.,) to station six hundred and ninety-eight thousand four hundred and fifty-five feet, (698..455); north eighty-nine degrees east, (N. 89° E.,) to station seven hundred and three thousand four hundred and fifty-one feet, (703..451); north eighty-nine degrees and twenty-seven minutes east, (N. 89° 27' E.,) to station seven hundred and four thousand nine hundred and thirteen feet, (704..913), north eighty-nine degrees and twenty-six minutes east, (N. 89° 26' E.,) passing stone No. 26, to station seven hundred and seven thousand eight hundred

and twenty-seven feet, (707..827); north eighty-nine degrees and twenty-eight minutes east, (N. $89^{\circ} 28'$ E.,) to station seven hundred and nine thousand seven hundred and fifty-nine feet, (709..759); north eighty-eight degrees and forty-six minutes east, (N. $88^{\circ} 46'$ E.,) to station seven hundred and twenty thousand six hundred and ninety-six feet, (720..696); north eighty-nine degrees and three minutes east, (N. $89^{\circ} 03'$ E.,) to station seven hundred and twenty-three thousand five hundred and ninety-one feet, (723..591); north eighty-eight degrees and forty-two minutes east, (N. $88^{\circ} 42'$ E.,) to station seven hundred and twenty-seven thousand four hundred and seventy-four feet, (727..474); north eighty-nine degrees and thirteen minutes east, (N. $89^{\circ} 13'$ E.,) to station seven hundred and twenty-nine thousand eight hundred and seventy feet, (729..870); north eighty-seven degrees and fifty-two minutes east, (N. $87^{\circ} 52'$ E.,) passing stone No. 27, to station seven hundred and thirty-five thousand nine hundred and seventy-six feet, (735..976); north eighty-nine degrees east, (N. 89° E.,) to station seven hundred and thirty-nine thousand two hundred and twenty-seven feet, (739..227); north eighty-eight degrees and thirty-four minutes east, (N. $88^{\circ} 34'$ E.,) to station seven hundred and forty-four thousand and one hundred feet, (744..100); north eighty-eight degrees and thirty-nine minutes east, (N. $88^{\circ} 39'$ E.,) to station seven hundred and forty-six thousand two hundred and thirty-nine feet, (746..239); north eighty-eight degrees and twenty-six minutes east, (N. $88^{\circ} 26'$ E.,) to station seven hundred and forty-nine thousand two hundred and two feet, (749..202); north eighty-eight degrees and forty-four minutes east, (N. $88^{\circ} 44'$ E.,) to station seven hundred and fifty-three thousand nine hundred and ninety-four feet, (753..994); north eighty-eight degrees and thirty-two minutes east, (N. $88^{\circ} 32'$ E.,) to station seven hundred and fifty-seven thousand six hundred and one feet, (757..601); north eighty-seven degrees and thirty-eight minutes east, (N. $87^{\circ} 38'$ E.,) to stone No. 28, at station seven hundred and sixty-one thousand seven hundred and sixty feet, (761..760); north eighty-eight degrees and forty-four minutes east, (N. $88^{\circ} 44'$ E.,) to station seven hundred and sixty-six thousand four hundred and fifty-three feet, (766..453); south eighty-nine degrees and eleven minutes east, (S. $89^{\circ} 11'$ E.,) to station seven hundred and sixty-nine thousand four hundred and sixty-eight feet, (769..468); north eighty-seven degrees and fifty-nine minutes east, (N. $87^{\circ} 59'$ E.,) to station seven hundred and seventy-three thousand five hundred

and forty-nine feet, (773.549); north eighty-nine degrees and eighteen minutes east, (N. $89^{\circ} 18' E.$) to station seven hundred and seventy-nine thousand one hundred and ninety-six feet, (779.196); north eighty-eight degrees and fifty-three minutes east, (N. $88^{\circ} 53' E.$), passing stone No. 29, to station seven hundred and ninety-one thousand two hundred and eighty-six feet, (791.286); north eighty-eight degrees and thirty-three minutes east, (N. $88^{\circ} 33' E.$) to station seven hundred and ninety-eight thousand three hundred and ninety-three feet, (798.393); north eighty-eight degrees and twenty-four minutes east, (N. $88^{\circ} 24' E.$) to station eight hundred and five thousand eight hundred and sixty-three feet, (805.863); south eighty-nine degrees and fifty-eight minutes east, (S. $89^{\circ} 58' E.$), passing stone No. 30, to station eight hundred and thirteen thousand five hundred and twenty-two feet, (813.522); north eighty-six degrees and thirty-seven minutes east, (N. $86^{\circ} 37' E.$) to station eight hundred and twenty-seven thousand one hundred and ninety-six feet, (827.196); north eighty-seven degrees and fifty-nine minutes east, (N. $87^{\circ} 59' E.$) to station eight hundred and thirty-one thousand nine hundred and sixty-seven feet, (831.967); north eighty-eight degrees and twelve minutes east, (N. $88^{\circ} 12' E.$), passing stone No. 31, to station eight hundred and forty-six thousand five hundred and thirty-three feet, (846.533); north eighty-eight degrees and fifty-three minutes east, (N. $88^{\circ} 53' E.$) to stone No. 32, at station eight hundred and fifty-six thousand five hundred and seventy-two feet, (856.572); south forty-seven degrees and fifty-three minutes east, (S. $47^{\circ} 53' E.$) to station eight hundred and sixty-six thousand eight hundred and fifty feet, (866.850) large stone at Black Jack; north sixty-eight degrees and one minute east, (N. $68^{\circ} 01' E.$) to station eight hundred and seventy thousand eight hundred and ninety-three feet, (870.893), the first corner of the Middleton offset; thence north seven degrees and thirty minutes east, (N. $7^{\circ} 30' E.$) two thousand four hundred and eighty-four feet (2.484) to the second corner; thence south eighty-two degrees and thirty minutes east, (S. $82^{\circ} 30' E.$) one thousand nine hundred and twenty-seven feet (1927) to third corner; thence south seven degrees and thirty minutes west, ($7^{\circ} 30' W.$) twelve hundred and fifty-six feet (1256) to fourth corner, and station eight hundred and seventy-three thousand one hundred and twenty-five feet (873.125); thence north sixty-eight degrees and one minute east (N. $68^{\circ} 1' E.$) to stone No. 33, at station eight hundred and eighty-four thousand five hundred and ninety-six feet

(884..596) Beech; south eighty-eight degrees and nineteen minutes east (S. $88^{\circ} 19'$ E.) to station eight hundred and ninety-two thousand two hundred and thirteen feet (892..213); south eighty-eight degrees and two minutes east (S. $88^{\circ} 2'$ E.) to station eight hundred and ninety-seven thousand nine hundred and three feet (897..903); south eighty-nine degrees and forty minutes east (S. $88^{\circ} 40'$ E.) to station nine hundred and one thousand five hundred and fifty-nine feet (901..559); south eighty-nine degrees and eight minutes east (S. $89^{\circ} 8'$ E.) to station nine hundred and five thousand five hundred and two feet (905..502); south eighty-seven degrees and thirty-nine minutes east (S. $87^{\circ} 39'$ E.) to station nine hundred and ten thousand four hundred and eighty-three feet (910..483); south eighty-eight degrees and five minutes east, (S. $88^{\circ} 05'$ E.) passing stone No. 34, to station nine hundred and eighteen thousand six hundred and thirty-five feet (918..635); south eighty-eight degrees and thirteen minutes east (S. $88^{\circ} 13'$ E.) to station nine hundred and twenty-seven thousand nine hundred and twenty-eight feet (927..928); south eighty-eight degrees and thirty-one minutes east (S. $88^{\circ} 31'$ E.) to station nine hundred and twenty-nine thousand two hundred and eighty-eight feet (929..288); south eighty-seven degrees and eighteen minutes east (S. $87^{\circ} 18'$ E.) to station nine hundred and thirty-five thousand eight hundred and eleven feet (935..811); south eighty-three degrees and five minutes east (S. $83^{\circ} 05'$ E.) to station nine hundred and forty-two thousand three hundred and eighty-seven feet (942..387); south eighty-four degrees and fourteen minutes east (S. $84^{\circ} 14'$ E.) passing stone No. 35, to station nine hundred and forty-seven thousand one hundred and eleven feet (947..111); south eighty-six degrees and eight minutes east (S. $86^{\circ} 08'$ E.) to station nine hundred and fifty-four thousand and nineteen feet, (954..019); south eighty-four degrees and fifty-six minutes east [S. $84^{\circ} 56'$ E.,] passing a large stone on Nashville and Glasgow turnpike to station nine hundred and fifty-eight thousand five hundred and eighty-two feet [958..582]; south eighty-five degrees and seventeen minutes east [S. $85^{\circ} 17'$ E.,] to station nine hundred and sixty-one thousand and eighty-eight feet [961..088]; south eighty-six degrees and thirteen minutes east [S. $86^{\circ} 13'$ E.,] to station nine hundred and sixty-seven thousand seven hundred and fifty-one feet [967..751];

south eighty-five degrees and thirty-seven minutes east [S. $85^{\circ} 37'$ E.,] to station nine hundred and seventy-one thousand eight hundred and four feet [871..804]; south eighty-five degrees and forty minutes east (S. $85^{\circ} 40'$ E.,) passing stone No. 36, to station nine hundred and seventy-five thousand and thirty-nine feet [975..039]; south eighty-six degrees and thirty-nine minutes east [S. $86^{\circ} 39'$ E.,] to station nine hundred and seventy-eight thousand four hundred and five feet [978..405]; south eighty-five degrees and nine minutes east [S. $85^{\circ} 09'$ E.,] to station nine hundred and eighty-four thousand six hundred and fifty-five feet [984..655]; south eighty-eight degrees and twenty-seven minutes east [S. $88^{\circ} 27'$ E.,] to station nine hundred and eighty-six thousand one hundred and fifty-two feet [986..152]; south eighty-six degrees and twenty minutes east [S. $86^{\circ} 20'$ E.,] to station nine hundred and ninety-seven thousand three hundred and fourteen feet [997..314]; south eighty-seven degrees and six minutes east [S. $87^{\circ} 06'$ E.,] to station nine hundred and ninety-eight thousand eight hundred and seven feet [998..807]; stone No. 37; south eighty-seven degrees and three minutes east [S. $87^{\circ} 03'$ E.,] to station one million and eight thousand eight hundred and fifty-two feet [1008..852]; south eighty-five degrees and three minutes east [S. $85^{\circ} 03'$ E.,] to station one million and twelve thousand six hundred and sixty-eight feet [1012..668]; south eighty-six degrees and two minutes east [S. $86^{\circ} 02'$ E.,] to station one million and fourteen thousand four hundred and twenty-seven feet [1014..427]; south eighty-two degrees and eight minutes east [S. $82^{\circ} 08'$ E.,] to station one million and eighteen thousand one hundred and four feet [1018..104]; south eighty-seven degrees and fourteen minutes east [S. $87^{\circ} 14'$ E.,] passing stone No. 38, to station one million and twenty-seven thousand six hundred and seventy-eight feet [1027..678]; south eighty-eight degrees and eight minutes east [S. $88^{\circ} 08'$ E.,] to station one million and thirty-three thousand nine hundred and ninety-seven feet [1033..997]; north eighty-nine degrees and twenty-seven minutes east [N. $89^{\circ} 27'$ E.,] to station one million and thirty-six thousand one hundred and forty-three feet [1036..143]; south eighty-seven degrees and fifty-one minutes east [S. $87^{\circ} 51'$ E.,] to station one million and fifty thousand three hundred and ninety-five feet [1050..395]; south eighty-seven degrees

and nine minutes east [S. $87^{\circ} 09'$ E.,] passing stone No. 39 to station one million and fifty-three thousand one hundred and sixty-four feet (1.053.164); south eighty-seven degrees and twenty-four minutes east, (S. $87^{\circ} 24'$ E.) passing stone No. 40, to station one million and eighty-one thousand nine hundred and forty-four feet, (1081.944); north eighty-eight degrees and thirty-six minutes east, (N. $88^{\circ} 36'$ E.,) to station one million and ninety-two thousand three hundred and fifty-five feet, (1092.355); south eighty-nine degrees and seventeen minutes east, (S. $89^{\circ} 17'$ E.,) to station one million one hundred thousand three hundred and thirty-six feet, (1100.336); south eighty-seven degrees and fifteen minutes east, (S. $87^{\circ} 15'$ E.,) passing stone No. 41, to station one million one hundred and eight thousand two hundred and sixty-two feet, (1108.262); north eighty-six degrees and forty-one minutes east, (N. $86^{\circ} 41'$ E.,) to station one million one hundred and nine thousand and nine hundred and eighty-five feet (1109.985); south eighty-eight degrees and twenty-nine minutes east, [S. $88^{\circ} 29'$ E.,] to station one million one hundred and twenty-seven thousand five hundred and sixty-two feet, [1127.562]; south eighty-seven degrees and fifty-two minutes east, [S. $87^{\circ} 52'$ E.,] passing stone No. 42, at station one million one hundred and thirty thousand nine hundred and eighty-five feet [1130.985]; same course continued passing stone No. 43, to station one million one hundred and fifty-nine thousand and forty-four feet, [1159.044]; south eighty-nine degrees and twenty-three minutes east, [S. $89^{\circ} 23'$ E.,] to station one million one hundred and sixty-five thousand eight hundred and eighty nine-feet, [1165.889]; north eighty-nine degrees and twelve minutes east, [N. $89^{\circ} 12'$ E.,] to station one million one hundred and seventy-seven thousand six hundred and seventy feet, [1177.670]; south seventy-nine degrees and fifty-three minutes east, [S. $79^{\circ} 53'$ E.,] passing small stone at station one million one hundred and seventy-nine thousand nine hundred and seven feet, [1179.907]; the west bank of Cumberland river to stone No. 44, at station one million one hundred and eighty thousand five hundred and thirty-five feet, [1180.535]; north eighty-seven degrees and nineteen minutes east, [N. $87^{\circ} 19'$ E.,] to station one million two hundred and three thousand three hundred and six feet, [1203.306]; north seventy-nine degrees and twenty-one minutes east, [N. $79^{\circ} 21'$ E.,] to stone No. 45, at station one million two hundred and six thousand nine hundred and eighty-eight feet, [1206.988]; north eighty-seven degrees and twenty-one minutes east, [N. $87^{\circ} 21'$ E.,] to station one million two hundred and twenty-two

thousand three hundred and eighty-three feet, [1222. - 388]; north eighty-nine degrees and twenty-one minutes east, [N. $89^{\circ} 21'$ E.,] to station one million two hundred and twenty-three thousand seven hundred and fifty-eight feet, [1223. - 758]; north eighty-seven degrees and twenty-one minutes east, [N. $87^{\circ} 21'$ E.,] to station one million two hundred and twenty-eight thousand six hundred and fifty-four feet, [1228. - 654]; north eighty degrees and twenty-one minutes east, [N. $80^{\circ} 21'$ E.,] to station one million two hundred and thirty-two thousand and eighty-eight feet, [1232. - 088]; south eighty-nine degrees and nine minutes east, [S. $89^{\circ} 09'$ E.,] to station one million two hundred and thirty-nine thousand one hundred and four feet, [1239. - 104]; north seventy degrees and thirty-six minutes east, [N. $70^{\circ} 36'$ E.,] to station one million two hundred and forty-one thousand one hundred and twenty-four feet, [1241. - 124]; south eighty-eight degrees and thirty-nine minutes east, [S. $88^{\circ} 39'$ E.,] to stone No. 46, at station one million two hundred and forty-six thousand three hundred and eighteen feet, [1246. - 318]; south eighty-eight degrees and twenty-four minutes east, [S. $88^{\circ} 24'$ E.,] to station one million two hundred and forty-eight thousand five hundred and ninety-four feet, [1248. - 594]; south eighty-seven degrees and thirty-nine minutes east, [S. $87^{\circ} 39'$ E.,] to station one million two hundred and fifty-one thousand seven hundred and twenty-three feet, [1251. - 723]; south eighty-seven degrees and fifty-four minutes east, [S. $87^{\circ} 54'$ E.,] passing stone No. 47, to station one million two hundred and seventy-two thousand six hundred and eighty-eight feet, [1272. - 688]; south eighty-seven degrees and eighteen minutes east, [S. $87^{\circ} 18'$ E.,] to station one million two hundred and seventy-five thousand nine hundred and thirty-eight feet, [1275. - 938]; south eighty-eight degrees and thirty minutes east, [S. $88^{\circ} 30'$ E.,] to station one million two hundred and seventy-seven thousand nine hundred and thirty-eight feet, [1277. - 938]; south eighty-eight degrees east, [S. 88° E.,] to station one million two hundred and eighty-five thousand seven hundred and fifty feet, [1285. - 750]; south eighty-seven degrees and forty-five minutes east, [S. $87^{\circ} 45'$ E.,] to station one million two hundred and ninety-one thousand and thirty-eight feet [1291. - 038]; south eighty-seven degrees east, [S. 87° E.,] passing stone No. 48, to station one million two hundred and ninety-seven thousand and forty-five feet, [1297. - 045]; south eighty-eight degrees east, [S. 88° E.,] to station one million three hundred and seven thousand five hundred and thirty-eight feet, [1307. - 538]; south eighty-seven degrees and forty-

five minutes east, [S. $87^{\circ} 45'$ E.,] passing stone No. 49, to station one million three hundred and twenty-eight thousand eight hundred and fifty feet, [1328..850]; south eighty-five degrees and thirty minutes east, [S. $85^{\circ} 30'$ E.,] to station one million three hundred and forty-two thousand and three hundred and twenty feet, [1342..320]; south eighty-seven degrees and thirty minutes east, [S. $87^{\circ} 30'$ E.,] passing stone No. 50, to station one million three hundred and fifty-three thousand three hundred and eighty-five feet (1353..385); south eighty-six degrees and thirty minutes east, (S. $86^{\circ} 30'$ E.,) to station one million three hundred and fifty-six thousand six hundred and fifty feet (1356..650); south eighty-seven degrees and thirty minutes east, (S. $87^{\circ} 30'$ E.,) passing stone No. 51, at station one million four hundred and one thousand and six hundred feet (1401..600), stone No. 52; south eighty-seven degrees and thirty minutes east, (S. $87^{\circ} 30'$ E.,) to station one million four hundred and twenty-four thousand and one hundred feet (1424..100), stone No. 53; same course continued to station one million four hundred and fifty-three thousand and five hundred feet (1453..500), stone No. 54; south eighty-nine degrees and five minutes east, (S. $89^{\circ} 05'$ E.,) to station one million four hundred and seventy-four thousand feet (1474..000); south eighty seven degrees and forty minutes east, (S. $87^{\circ} 40'$ E.,) to station one million four hundred and eighty thousand five hundred and seventy feet [1480..570] stone No. 55; south eighty-six degrees and forty minutes east, [S. $86^{\circ} 40'$ E.,] to station one million five hundred and five thousand and four hundred feet [1505..400] stone No. 56; south eighty-seven degrees and ten minutes east, [S. $87^{\circ} 10'$ E.,] to station one million five hundred and twenty-one thousand and one hundred feet [1521..100]; south eighty-three degrees and ten minutes east, [S. $83^{\circ} 10'$ E.,] to station one million five hundred and twenty-seven thousand and two hundred feet [1527..200]; south eighty-six degrees and forty minutes east, [S. $86^{\circ} 40'$ E.,] to station one million five hundred and thirty-one thousand and sixty-one feet [1531..061] stone No. 57; south eighty-seven degrees and forty minutes east, [S. $87^{\circ} 40'$ E.,] passing stone No. 58, to station one million five hundred and forty-five thousand five hundred and thirty feet [1545..530]; south eighty-eight degrees and ten minutes east, [S. $88^{\circ} 10'$ E.,] to station one million five hundred and fifty-seven thousand one hundred and eighty-six feet [1557..186]; south eighty-seven degrees and fifteen minutes east, [S. $87^{\circ} 15'$ E.,] to station one million five hundred and sixty-two thousand seven hundred and

thirty-two feet [1562.732]; south eighty-eight degrees east, [S. 88° E.,] to station one million five hundred and sixty seven thousand one hundred and fifty feet [1567.150]; south eighty-eight degrees and fifteen minutes east, [S. 88° 15' E.,] passing stone No. 59, to station one million five hundred and eighty-eight thousand two hundred and ninety feet [1588.290]; north eighty-nine degrees and fifteen minutes east, [N. 89° 15' E.,] to station one million five hundred and ninety thousand six hundred and seventy-six feet [1590.676]; south eighty-eight degrees and fifteen minutes east, [S. 88° 15' E.] passing stone No. 60, to station one million six hundred and five thousand three hundred and ninety-eight feet, [1605.398]; south eighty-eight degrees and forty-five minutes east, [S. 88° 45' E.,] to station one million six hundred and fifteen thousand five hundred and fifty feet, [1615.550]; south eighty-eight degrees and fifteen minutes east, [S. 88° 15' E.,] to station one million six hundred and seventeen thousand nine hundred and thirty-four feet, [1617.934]; south eighty-eight degrees east, [S. 88° E.,] to station one million six hundred and twenty-five thousand and ninety-four feet, [1625.094]; south eighty-six degrees and fifty minutes east, [S. 86° 50' E.,] passing stone No. 61, to station one million six hundred and forty-one thousand six hundred and eighty-two feet, [1641.682,] stone No. 62; south eighty-eight degrees and fifty minutes east, [S. 88° 50' E.,] to station one million six hundred and seventy thousand four hundred and sixty-six feet, [1670.466,] stone No. 63; same course continued to station one million six hundred and ninety-six thousand five hundred and seventy-eight feet, [1,696.578,] stone No. 64, at seven Pines and two Black Oaks, Tennessee and Kentucky corner; thence north thirty-three degrees and sixteen minutes east, [N. 33° 16' E.,] eight thousand three hundred and nine feet, [8309] to Tennessee and Virginia corner, at Chestnut Oak and stone, latitude thirty-six degrees and thirty-six minutes and ninety-four hundredths seconds, [36° 36' 00."94]. The line of boundary from the stone at the seven pines to the stone at the Tennessee and Virginia corner, follows the back-bone of Cumberland mountain. From stone in Cumberland Gap, Latitude thirty-six degrees, thirty-six minutes, eleven and seventy four hundredths seconds [36° 35' 11."74,] to Tenn. & Va. corner; south twenty-eight degrees and fourteen minutes west, [S. 28° 14' W.,] twelve hundred feet [1200]. From same stone to seven Pines south thirty-two degrees and forty-four minutes west, [S. 32° 44' W.,] nine thousand five hundred and ten feet [9510].

From stone at John G. Newlee's Sulphur Spring, in Latitude thirty-six degrees, thirty-five minutes, forty-nine and one hundredth seconds [$36^{\circ}35'49.''01$] to Virginia and Tennessee corner north fifty-five degrees and thirty-five minutes west [$N. 55^{\circ}35' W.$]

From same stone to stone at seven Pines, Tennessee and Kentucky corner, south forty-eight degrees and fourteen minutes west [$S. 48^{\circ}14' W.$].

SEC. 2. *Be it further enacted*, That all the intervening marks and monuments made and set up by said Commissioners be, and from henceforth shall be the true and only Boundary. lawful boundary between this State and the State of Kentucky.

SEC. 3. *Be it further enacted*, That all the lands and inhabitants lying or residing south of said boundary line are and shall be subject to the laws and jurisdiction of this State.

SEC. 4. *Be it further enacted*, That it shall be a high misdemeanor, punishable by fine and imprisonment, at the discretion of the tribunal trying the same, to alter, deface, Misdemeanor to
destroy marks,
&c. disfigure, change, remove or destroy any of said marks and monuments.

SEC. 5. *Be it further enacted*, That land titles shall not be affected in any manner by the establishing of the said State line hereinbefore described as the boundary between Land titles not
affected. the States.

SEC. 6. *Be it further enacted*, That this act shall take effect and be in force from and after the passage of an act by the Legislature of the State of Kentucky, recognizing and establishing said boundary and protecting titles by it in the manner aforesaid.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 21, 1860.

CHAPTER 80.

AN ACT to license Billiard Tables, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the various County Court Clerks of the State, be and are hereby authorized to issue a license to any free white man applying for the same, to keep a billiard table, Jenny Lind table, ten-pin alley, or shooting gallery, at any one place in the county, and said license shall continue for one year from the date of its issuance.

Amount of li-
cense.

SEC. 2. *Be it further enacted,* That before said clerk shall issue the license aforesaid the applicant shall pay said, clerk for the use of the State of Tennessee, the following sums of money, to wit: on the first two, fifty dollars each, and twenty-five dollars on the remaining number of billiard and Jenny Lind tables, or ten-pin alleys owned by one person or firm in one county; for the privilege of keeping a shooting gallery, the sum of one hundred dollars.

Conditions of is-
suing license.

SEC. 3. *Be it further enacted,* That before the issuance of any license under the provisions of this act, the applicant or applicants shall pay into the office of the Clerk of the County Court, the taxes assessed by the section 2d for the use of the State, and such license as may be assessed by the County Court under the provisions of this act, and the taxes assessed by the corporate towns or cities; if the privilege is to be exercised in such towns or cities: *Provided,* Such towns or cities shall lay such tax and notify the clerk of the same: *Provided,* The applicant may pay the town or city tax to the proper town or city authorities, the receipt for which shall be a sufficient voucher to any clerk; the applicant or applicants at the time of obtaining such license, shall take an oath before the clerk not to permit any tippling or gaming on the premises where such privilege is exercised.

SEC. 4. *Be it further enacted,* That each incorporated town or city shall also have the right to tax each of the privileges aforesaid: *Provided, however,* That in no case shall the tax exceed the tax of the State for the same privilege.

Penalty.

SEC. 5. *Be it further enacted,* That any person who shall erect, put up, or keep for gain or for charge to any person using the same, either a billiard table, Jenny Lind table, ten-pin alley, or any thing of a similar character, or shooting gallery, without first procuring a license therefor as provided in the foregoing sections of this act, shall be sub-

ject to an indictment or presentment, and upon conviction shall be fined or fined and imprisoned in the discretion of the court: *Provided*, Nothing in this act shall be construed to prevent persons from keeping any of said tables or alleys, or galleries, for their own amusement or for the amusement of others, where nothing is charged for the use of the same. Penalty.

SEC. 6. *Be it further enacted*, That any person licensed for either of the privileges aforesaid who shall knowingly permit vinous or spirituous or malt liquors to be used or sold upon the premises, shall be guilty of a misdemeanor, and upon conviction, shall be punished as in the fourth section of this act. Liquors not to be sold on the premises.

SEC. 7. *Be it further enacted*, That each incorporated town or city shall have power to prohibit by ordinance the erection or use either of a billiard table, Jenny Lind table, ten-pin alley or shooting gallery within their respective limits: *Provided*, That no incorporated town or city shall pass any ordinance limiting or impairing either of the privileges aforesaid after license shall have been taken out for the same, and it shall be the duty of the clerk aforesaid to refuse to issue any such license if the town or city have an ordinance prohibiting the same. Prohibition by incorporated towns.

SEC. 8. *Be it further enacted*, That the clerk aforesaid shall demand and receive of such applicant the sum of two dollars for the license aforesaid. Clerk's fee.

SEC. 9. *Be it further enacted*, That it shall be the duty of each and every justice of the peace and constable of every county or district to report all persons offending against the provisions of this act. Justices and constables to report offenders.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 12, 1860.

CHAPTER 81.

AN ACT to prevent the adulteration of Spirituous Liquors in this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the adulteration of spirituous or vinous liquors by the use of strychnine or other poisonous liquids or ingredients, shall be and the same is hereby declared a felony. Felony.

Penalty for adulterating.

SEC. 2. *Be it further enacted*, That any person who shall in this State be guilty of the offence of adulterating spirituous or vinous liquors, or selling the same knowing it to be adulterated by or with strychnine or other poisonous liquids or ingredients, upon conviction in any of the Criminal or Circuit Courts of this State, shall be imprisoned in the Penitentiary of this State not less than one year nor more than five.

Penalty for selling.

SEC. 3. *Be it further enacted*, That any one who shall be guilty of selling to any person in this State, by retail or wholesale, any spirituous or vinous liquors adulterated as stated in the two preceding sections of this act, shall incur all the penalties annexed to the second section of this act.

Persons selling liquors to take oath and give bond.

SEC. 4. *Be it further enacted*, That it shall not be lawful for any person or persons to sell, or offer to sell, any spirituous or alcoholic liquors within this State, until he, she or they shall first appear before the County Court Clerk of the county where such liquors are to be sold, or offered for sale, and take and subscribe to an oath not to mix or adulterate with any substance whatever, the liquors offered for sale, and give bond in the sum of five hundred dollars with good and sufficient security for the payment of all cost arising from prosecutions for violation of the provisions of this act.

Oath by manufacturers or rectifiers.

SEC. 5. *Be it further enacted*, That it shall not be lawful for any person or persons to manufacture or rectify any spirituous or alcoholic liquors within the limits of this State, until he, she or they shall first appear before the County Court Clerk of the county where such liquors are proposed, to be manufactured or rectified, and take and subscribe to an oath not to adulterate, or suffer to be adulterated, any liquors manufactured or rectified by themselves or agents.

Druggists, physicians, etc.

SEC. 6. *Be it further enacted*, That the provisions of this act shall not be so construed as to prevent druggists, physicians, and persons engaged in the mechanical arts from mixing and adulterating liquors for medicinal or mechanical purposes.

Inspection.

SEC. 7. *Be it further enacted*, That no spirituous or alcoholic liquors shall be imported and sold within this State until the same shall first be inspected and tested by a competent chemist, to be appointed upon the application of the person or persons desiring to sell the same, by the Mayor or Circuit or County Judge of the town or county, the applicant to pay all costs arising from such inspection.

Penalty for selling without inspection.

SEC. 8. *Be it further enacted*, That if any person or persons shall violate the 7th section of this act, he or they shall be guilty of a high misdemeanor, and upon conviction shall be fined not more than one thousand dollars, nor less than one hundred.

SEC. 9. *Be it further enacted*, That the Grand Jury may have power to send for persons or papers in cases where they may be of the opinion that any person or persons have been guilty of violating any of the provisions of this act. Grand Jury.

SEC. 10. *Be it further enacted*, That if any person or persons shall sell any spirituous or alcoholic liquors without complying with the 4th and 5th sections of this act, they shall be deemed guilty of a misdemeanor and upon conviction, shall be fined not less than fifty nor more than five hundred dollars. Penalty for violating 4th and 5th sections.

W. C. WHITTHORNE,
Speaker of the House of Representatives,
TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, March 15, 1860.

CHAPTER 82.

AN ACT to repeal Section 4766 of the Code.

Be it enacted by the General Assembly of the State of Tennessee, That section 4766 of the Code, declaring the writing or spreading of seditious words and several other acts, misdemeanors, be and the same is hereby repealed, and this act shall take effect and be in force from its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.
TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, March 19, 1860.

CHAPTER 83.

AN ACT for the relief of Jailors, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all cases where prisoners have heretofore, or may hereafter make their escape from jail by means of force, stratagem or other fraudulent device, and that reasonable care and diligence were used by the jailor

Jailors.

to prevent said escape, or to secure such prisoner or prisoners in jail, the said jailor shall be entitled to his fees as such jailor: *Provided*, It shall be clearly made appear to the satisfaction of the Judge of the Circuit Court in the county where said escape was made, or the cause pending, that said escape was effected in the manner and under the circumstances aforesaid, and that the said jailor had used the proper efforts on his part to recover the said prisoner or prisoners.

SEC. 2. *Be it further enacted*, That in all cases falling within the provisions of the first section of this act, it shall be the duty of said judge to certify said claim for costs for payment as in other bills of costs.

Sheriffs.

SEC. 3. *Be it further enacted*, That in all cases falling within the provisions of this act, the sheriff or other officers, having custody of such prisoner or prisoners, shall have all the benefits of this act.

SEC. 4. *Be it further enacted*, That so much of section 5564, of the Code as conflicts with the provisions of this act, be and the same is hereby repealed, and that this act take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 19, 1860.

CHAPTER 84.

AN ACT to amend Section 2131 of the Code.

Be it enacted by the General Assembly of the State of Tennessee, That section 2131 of the Code, be so amended as to read as follows: "The person proposing to redeem shall always pay, or tender to the holder of the land, the amount of money lawfully paid by him, with interest thereon, at the rate of six per cent. per annum; and if he be a creditor, shall pay to the debtor, or credit his debt with a sum equal to ten per cent. or more, on the sum bid at the original sale, or with a sum equal to ten per cent. or more upon

the judgment of said creditor, at the election of the said creditor.

W. C. WHITTHORNE,
Speaker of the House of Representatives.
TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, March 19, 1860.

CHAPTER 85.

AN ACT in relation to Premiums offered at Public Fairs.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be lawful for every person upon complying with the rules of said Fairs in this State, to enter and contend for any and all such premiums as may be offered by the Directors of Public Fairs in this State.

SEC 2. *Be it further enacted*, That this act shall take effect from and after its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.
TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, March 19, 1860.

CHAPTER 86.

AN ACT to give Grand Jurors discretionary power to make presentments for swearing.

Be it enacted by the General Assembly of the State of Tennessee, That hereafter it shall not be imperative upon Grand Jurors to make presentments for profane cursing and swearing, unless some person will be entered as prosecutor; but they may make presentments if in their opinion the public good requires it.

W. C. WHITTHORNE,
Speaker of the House of Representatives.
TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, March 19, 1860.

CHAPTER 87.

AN ACT for the relief of Pensioners.

Be it enacted by the General Assembly of the State of Tennessee, That the Clerks of the different County Courts in this State shall not be entitled to any fees for certificates and seals in the application for pension and pensioners' money, or upon powers of Attorney for that purpose, and that Justices of the Peace shall not be entitled to fees in such cases, and that the taking or receiving of fees in any such cases by either of said officers shall be a misdemeanor.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 19, 1860.

CHAPTER 88.

AN ACT to amend section 2451 of the Code, in relation to divorce.

Be it enacted by the General Assembly of the State of Tennessee, That section 2451 of the Code of Tennessee, be so amended, as to authorize persons filing a bill for divorce, to file the same in the County where said parties resided at the time of their separation.

W. C. WHITTHORNE,

Speaker of the House of Representatives

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 19, 1860.

CHAPTER 89.

AN ACT to amend sections 2831, 2832, 2833, and 2834, of the Code.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That sections 2831, 2832, 2833, and 2834 be so amended, that hereafter when a corpora-

tion, company, or individual has an office or agency, or resident director in any county other than that in which the chief officer or principal resides, the service of process may be made on any agent or clerk employed therein in all actions brought against said company growing out of the business of, or connected with said company or principal's business.

Process may be served on agent or clerk.

SEC. 2. *Be it further enacted*, That the provisions of this Act shall only apply to cases where the action is brought in such counties as such agency, resident director, or office is located.

SEC. 3. *Be it further enacted*, That this Act shall apply as well to suits already commenced and process not served as well as to suits hereafter to be commenced, and that this Act shall take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 19, 1860.

CHAPTER 90.

AN ACT to increase the jurisdiction of County Courts.

SECTION. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the County Courts in this State shall have full power at any quarterly or monthly session thereof, when, in their opinion, the public good demands it, to appoint Commissioners, who shall have power to contract for, and have completed any repairs of bridges, levees, or causeways upon any public road in their respective counties that, in the opinion of said Court, the public good requires.

SEC. 2. *Be it further enacted*, That it shall be the duty of the Commissioners that may be appointed under the provisions of the first section of this Act, to report to the first term of the quarterly County Court after the completion of any work that they may have had under contract, which report shall set forth the kind of repairs that have been made, by whom made, and for what amount.

SEC. 3. *Be it further enacted*, That upon the filing of the report of the Commissioners it shall be the duty of said Court to order the same to be paid as other claims against the County.

Guardians.

SEC. 4. *Be it further enacted*, That when any person assumes the management of the business of a minor without regularly qualifying as guardian as contemplated in existing statutes, shall receive no compensation for such service.

SEC. 5. *Be it further enacted*, That when any such person acting as agent as specified in the preceding section shall refuse to deliver the effects of any minor, in his possession, upon the majority or marriage of said minor, he shall be guilty of a misdemeanor, and fined not less than one thousand dollars.

SEC. 6. *Be it further enacted*, That it shall be the duty of the County Court Clerks to notify such agents as are acting without authority, to give bond and security as is now required of guardians, and said agent or agents failing or refusing to do so shall be guilty of a misdemeanor and fined not less than fifty nor more than two hundred and fifty dollars.

SEC. 7. *Be it further enacted*, That this act take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 19, 1860.

CHAPTER 91.

AN ACT to amend the Registry Laws of this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all cases where a deed or deeds conveying real estate have been executed by any person or persons purporting to act as attorney or attorneys in fact, which deed or deeds have been registered whether with or without proper probate, or acknowledgment at all, twenty years or more in the register's office of the County where the real estate is situated, or if the land lay within the Indian Territory at the time of said conveyance, then if registered in the register's office of any County in the State, it shall be presumed, until the contrary is shown, that said conveyance was properly made by the attorney or attorneys in fact, and such deed or deeds, or copies from the Register's books, shall be deemed valid to pass the legal title to real estate in the same manner as if the same had

been executed by the principal or principals: *Provided*, That nothing herein contained shall affect the rights of creditors or purchasers, for valuable consideration without notice.

SEC. 2. *Be it further enacted*, That when a power or powers of attorney authorizing the sale or conveyance of real estate have been registered, whether with or without proper probate or acknowledgment, or any probate or acknowledgment at all, twenty years or more in the Register's office of the county where the real estate is situated, or if the land lay within the Indian Territory, then if registered in the Register's office of any County in the State, such power or powers of attorney shall be deemed good and valid in law to pass the estate conveyed by the attorney or attorneys in fact: *Provided*, That nothing herein contained shall affect the rights of creditors or purchasers for valuable consideration, without notice.

SEC. 3. *Be it further enacted*, That when a grant from the State for lands, recites that the lands so granted are situated in one County when they are in a different County, the grant shall be as valid as if the locality thereof were truly recited in said grant, and any subsequent conveyances of said lands in which they are stated to be situate in a different County from that in which they lie, may be registered in the County in which the lands lie, and such registration shall be as valid as if the deeds of conveyance had correctly set forth the locality of said lands: *Provided*, Nothing in this Act shall affect the rights of creditors or purchasers with notice.

SEC. 4. *Be it further enacted*, That the County Registers of the several Counties in the State are hereby authorized to appoint each, one deputy, and all deeds heretofore registered by deputies are hereby declared to be good and sufficient registration.

Registers may
appoint deputies.

SEC. 5. *Be it further enacted*, That the office of Register of Shelby county shall be removed from the town of Raleigh to the City of Memphis, and shall be kept by the Register in said City, and it shall be the duty of said Register from and after the adjournment of the Legislature to remove his said office to said city of Memphis, together with all the books and papers belonging thereto.

Register of Shelby
county to keep
his office at Mem-
phis.

SEC. 6. *Be it further enacted*, That all laws and parts of laws in conflict with the foregoing section are hereby repealed so far as the provisions of the same are concerned.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 19, 1860.

CHAPTER 92.

AN ACT to regulate the salaries of the State Treasurer and Secretary of State.

Be it enacted by the General Assembly of the State of Tennessee, That from and after the passage of this Act, the State Treasurer and Secretary of State, shall receive each, in addition to their present salaries as fixed by law, the sum of five hundred dollars, payable quarterly.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 19, 1860.

CHAPTER 93.

AN ACT to provide for the equalization and investment of the Sinking Fund on the Bonds issued to, or endorsed for Railroads in this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the money, or the bonds that have heretofore, or may be paid by cities or railroad companies in this State, to the Sinking Fund Commissioners, by the 1st day of January, 1860, together with the accruing interest thereon, to that date, shall be passed directly to the credit of the party having so paid the same, and be a release to said party for that amount on the debt due by them to the State of Tennessee.

Sinking Fund,
how disposed of.

SEC. 2. Said bonds shall all be canceled by said Commissioners; and if endorsed bonds of any railroad company, shall be canceled as hereinafter provided, for the cancellation of State bonds, and shall be delivered over to said company or corporation, taking the President's of said company, or the officer's of said company receipt for the same, which receipt shall be filed, and a copy of the same placed upon a book, which the said Commissioners shall keep for that purpose. If State bonds, they shall be canceled, and filed in the office of the Secretary of State, as hereinafter provided.

Bonds to be can-
celed.

SEC. 3. That after the first day of January, 1860, all railroad companies, or city corporations, who have or may hereafter receive the bonds of the State, or its endorsement of their own bonds, under the general internal im-

provement law of this State, or any other law, shall be required to pay two and one-half per cent. per annum, as a sinking fund, on the amount of the bonds so issued or endorsed by the State for said company or corporation, to be paid in equal instalments, on the first days of April and October, five years after the date of said bonds, and annually thereafter.

Annual payment
on sinking fund.

SEC. 4. All bonds issued during any one year, shall be dated on the first day of January of that year.

SEC. 5. Said companies or corporations may pay said sinking fund in cash, or in the like character of bonds, that may have been issued or endorsed by the State for said company at their face or par value.

SEC. 6. If paid in money, the Commissioners shall invest it immediately in the bonds of the State, and shall have the same canceled and filed as heretofore provided. Such bonds are to be of the same character as those issued to such company or corporation.

SEC. 7. The sinking fund when paid, in all cases shall be passed directly to the credit of said company or corporation, and be a release to said company or corporation from that amount due by them to the State. The Commissioners shall issue a receipt to each company or corporation for such payment, retaining a duplicate in a well bound book, kept for that purpose.

SEC. 8. Each and every railroad company or city corporation shall provide the interest semi-annually as now provided by law, on the amount of bonds unpaid at the time said interest falls due, and not on the original amount issued to, or endorsed by the State for said company as heretofore provided.

SEC. 9. The Comptroller of the State shall keep a regular account against each company or corporation, charging them with the amount of bonds originally issued to or endorsed for, said company or corporation, by the State, and crediting them by the amount of sinking fund paid, and shall furnish the Treasurer of the State a statement of the amount due by each company or corporation, on the first of June and December of each year, that he may know how much interest each company or corporation has to pay.

Comptroller to
keep account
with each com-
pany

SEC. 10. The Commissioners of the Sinking Fund shall cancel all bonds of the State as soon as paid in, or purchased, by cutting out the Governor's and Secretary of State's names, and so defacing each coupon, that it cannot by possibility be used or circulated, and shall file the same in the Secretary of State's office.

Bonds, how can-
celed and depos-
ited.

SEC. 11. This law shall be in full force from and after

its passage, and shall repeal all laws in conflict with it, but shall not be so construed as *otherwise* to affect any law on the subject of the sinking fund, or the payment of interest due on State or endorsed bonds.

W. C. WHITTHORNE,
Speaker of the House of Representatives.
 TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, March 20, 1860.

CHAPTER 94.

AN ACT to allow Notaries Public to take Depositions.

Be it enacted by the General Assembly of the State of Tennessee, That all Notaries Public commissioned by the Governor of this State, shall be authorized to take depositions in the county in which he resides, and certify the same in the manner now prescribed by law; which said certificate shall show the locality of said notary.

W. C. WHITTHORNE,
Speaker of the House of Representatives
 TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, March 20, 1860.

CHAPTER 95.

AN ACT to provide for Medical Services in County Jails.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That in all cases where criminals are confined in the county jails, in the State of Tennessee, and it becomes necessary that they should have medical attendance, the jailor shall call in such physicians, as in his opinion are necessary, and they shall have reasonable payment for the same; and the same shall be certified and taxed in the bill of costs, and paid as other costs.*

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, March 21, 1860.

CHAPTER 96.

AN ACT to save costs to the Counties, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section 4251 of the Code of Tennessee, so far as it applies to the county of Davidson, be and is hereby repealed.

SEC. 2. *Be it further enacted*, That hereafter, whenever any person shall be indicted in any of the courts of the State, for more than one offence of the same class or grade, at the same term of the court, the Clerk shall issue but one *capias* to the same county, which shall specify on its face the number of cases for which the defendant or defendants are indicted, at that term of the court, of the same grade or class; and the sheriff or other officer arresting the defendant or defendants, shall, if bail is given, take bond in a sum sufficient to cover all the cases mentioned in the *capias*, and if the county shall have the costs to pay, there shall be no fees taxed against the county for the several officers and clerks, but as of one cost. But if the defendant pays the costs, the court may order full costs to the several officers, as if separate process had been issued, and served throughout.

SEC. 3. *Be it further enacted*, That the several revenue collectors of this State, [by which are meant all persons employed or elected by the several counties, towns or cities, to collect public revenue,] shall have power to appoint as many deputies as they please; and in case they have to restrain for taxes after the first Monday in November, of the year for which the taxes are due, they shall be entitled to the same fees as are allowed upon collection of money by the sheriff upon executions.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, March 23, 1860.

CHAPTER 97.

AN ACT to provide for the payment of Officers and Printers for Advertising and holding Special Elections.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Comptroller of the Treasury be, and he is hereby ordered and directed to issue warrants on the Treasurer in favor of all claims presented to him with the requisite accompanying vouchers by such editors or printers as were ordered to advertise the election of 1858, in reference to a call of a convention to amend the State Constitution, as well as for like accounts heretofore accruing in the advertisement of the election of Chancellors and Circuit Judges, and other special elections in this State.

SEC. 2. *Be it further enacted*, That in all such elections hereafter to be holden in this State ordered to be printed in newspapers, the Comptroller shall issue his warrant as above directed: *Provided*, That in all cases intended to be embraced by this act, due respect shall be had to the usual prices of printing, and said Comptroller may so reduce any account presented to him, as to make it conform to the same, provided the amount paid shall not exceed the amount allowed by law for similar services.

SEC. 3. *Be it further enacted*, That this act shall take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 20, 1860.

CHAPTER 98.

AN ACT to prevent Frauds in Banking Corporations.

SECTION. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That if the officer of any Banking Corporation, now in existence in this State, or hereafter created, shall put into circulation as money, notes countersigned by the Comptroller of the State, without the securities required by the laws regulating the Free Banks now in existence in this State, the said Bank officer, knowing the said securities have not been deposited, and issuing said notes with intent to circulate the same as secured

money, when they know it is not secured as above required, such Bank officer shall be guilty of a felony, and on conviction, shall be imprisoned not less than three nor more than ten years, in the Penitentiary of this State; and all owners of stock in said Banking Institution, assenting thereto, with similar knowledge and intent, shall be guilty of a similar offence, and on conviction, undergo a similar punishment.

Felony.

Penalty.

SEC. 2. *Be it further enacted*, That if the Comptroller shall countersign as money any Bank notes without having deposited in his hands the security required by the laws regulating the Free Banks which are now in existence in this State, he shall be guilty of a felony, and on conviction, shall be punished as prescribed in the first section of this Act.

Felony on part of Comptroller.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 21, 1860.

CHAPTER 99.

AN ACT for the benefit of Minor Children.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That when an administrator shall have made a settlement of an estate, and there shall remain in his hands a small sum, or sums of money due a minor child, or children, who have no regular guardian, the County Court may, when, in their opinion, the interest arising on such sum or sums of money is not sufficient to pay the expenses of appointing a guardian, making settlements, and other expenses attending a guardianship, by an order or decree of said Court, make such disposition of said sum or sums of money, for the benefit of said minor child, or children, as will in their judgment best promote the interest of such minor child or children: *Provided*, The sum does not exceed one hundred and fifty dollars.

County Courts to dispose of money of minors.

SEC. 2. *Be it further enacted*, That said administrator shall dispose of said sum or sums of money in accordance with said order or decree of said Court, and take a receipt for the same, which receipt shall be a good voucher for him on a final settlement of said estate.

Administrator.

SRC. 3. *Be it further enacted*, That this Act take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 21, 1860.

CHAPTER 100.

AN ACT to amend section 5271 of the Code of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section 5271 of the Code of Tennessee be amended so as to read as follows:

"If the prisoner be detained as debtor to the State for fine and costs, or either, he may be discharged from confinement by the Court, or by a Criminal or Circuit Judge, in vacation, or by the Clerk of the Court in which he was convicted, on making oath in writing that he has no property with which to pay the fine and costs, or either; or that he has no property except what is specified in the oath, and surrendered into the hands of the Sheriff. And when said oath, in either form, has been taken, and the property, if any, surrendered, the Court, or Judge, or Clerk, shall order the Sheriff to discharge the prisoner, who shall give the Attorney General ten days' notice of the application."

SEC. 2. *Be it further enacted*, That this Act shall take effect and be in force from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN.

Speaker of the Senate.

Passed, March 21, 1860.

CHAPTER 101.

AN ACT to amend section 4564 of the Code of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section 4564 of the Code of

Tennessee be amended by adding thereto, as a portion of the fees to which sheriffs are entitled, the following:

"For conveying a prisoner before a Judge on a writ of *habeas corpus*, per mile, going and returning, ten cents." Sheriff's fees.

"For guards, not exceeding two for each prisoner, each per mile, going and returning, five cents."

SEC. 2. *Be it further enacted*, That if any Sheriff has, in cases still pending, or may hereafter perform the services provided for in section 1 of this Act, he shall be allowed the fees therein fixed, to be taxed in the bill of costs, and to be collected and paid as other costs are. How taxed.

SEC. 3. *Be it further enacted*, That this act shall take effect, and be in force from and after its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, March 21, 1860.

CHAPTER 102.

AN ACT to allow defendants to indictments all kinds of pleas simultaneously with the plea of *autre fois convict*."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter, when any defendant to any prosecution in this State shall enter the plea of *autre fois convict*, or former conviction, he shall not be debarred thereby of the right to enter or rely upon any other or as many other pleas as would be a good defence to the indictment.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, March 22, 1860.

CHAPTER 103.

AN ACT supplemental to An Act entitled An Act to prescribe the mode of choosing Electors to vote for President and Vice President of the United States, passed February 27, 1852.

SECTION. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the qualified voters for the members of the General Assembly of the State, shall meet at their respective Court Houses, and other places appointed by law for voting in each and every county, on the first Tuesday after the first Monday in November, 1860, and vote for twelve Electors of President and Vice-President of the United States, as by the Constitution and laws of this State they are to vote.

SEC. 2. *Be it further enacted*, That each Congressional District in this State shall make an Electoral District, and that one Elector shall reside in each of said Districts.

SEC. 3. *Be it further enacted*, That there shall be two Electors for the State, who may reside in any part of the State, and that any citizen qualified by law to vote for members of the General Assembly shall be qualified to vote for the whole number of Electors to be resident as aforesaid, and the twelve persons aforesaid receiving the highest number of votes in the whole State shall be declared the Electors.

SEC. 4. *Be it further enacted*, That said election shall be ordered and held in the same way, and under the same regulations, restrictions, provisions and penalties as are contained in the said Act of 27th of February, 1852, to which this is a supplement.

SEC. 5. *Be it further enacted*, That the fractions of new Counties shall vote with the Counties from which they were taken, as in the elections for members of the General Assembly.

SEC. 6. *Be it further enacted*, That this Act take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 22, 1860.

CHAPTER 104.

AN ACT to regulate the practice of Law, and to relieve officers.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all cases where property has been, or hereafter may be levied upon under any process of law, by any officer and taken into possession, and any action has been or may be brought against said officer for the recovery of the same or for damages, any person at whose instance the process issued, may be permitted to come into Court at any time before the cause is finally disposed of, and be substituted as defendant in the place of said officer, of which an entry shall be made upon the minutes of the Court, and said party so substituted may, in the discretion of the Court, be compelled to assume and give security for all costs that have or may become chargeable to said officer up to the time of the substitution aforesaid. Substitution of parties for officers.

SEC. 2. *Be it further enacted*, That upon written notice being served upon the party at whose instance the process issued from the officer, stating the nature of the suit and the Court in which the same is pending, and demand that such party come into Court and be substituted in the place of said officer; also said notice shall state the day upon which said application shall be made, if said party does not so appear and become substituted as aforesaid, then said officer may permit judgment to go by default against himself or defend the same. Same.

SEC. 3. *Be it further enacted*, That upon the substitution aforesaid, the officer shall no longer be a party to said suit, but shall be a competent witness in the same. Officer a witness.

SEC. 4. *Be it further enacted*, That whenever two or more persons bring a suit at law as partners upon an account, bill of exchange, bond or note, either before a Magistrate or a Court of record, it shall not be necessary for them to prove their partnership, unless the defendant files a plea in abatement, in writing, denying the partnership on oath. Proof of partnership not required unless denied under oath.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, March 23, 1860.

CHAPTER 105.

AN ACT to transfer cases from one Court to another in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That whenever it shall happen that the Judge of any Court of Law or Chancery in this State, is incompetent from any cause, to try any case pending in his Court, and the parties thereto cannot agree upon some member of the bar to try the same, it shall be the duty of the Judge, upon the application of both parties, to cause the same to be transferred to the nearest Court having jurisdiction of such case where the like incompetency of the presiding Judge does not exist, where the same shall be tried as though it had originated in said Court: *Provided*, The presiding Judge or Chancellor is of opinion it is a proper case for such change.

Cases how transferred.

Criminal Judges.

SEC. 2. *Be it further enacted*, That Criminal Judges may have the right to interchange with each other.

Duty of Circuit Judges to interchange.

SEC. 3. *Be it further enacted*, That in all cases where a Judge may be incompetent to try any cause or causes pending in his Circuit, and the same cannot be transferred by change of venue to some other Circuit, that it shall be the positive duty of the Circuit Judge of any adjoining Circuit upon receiving notice of such incompetency, by the Clerk of the Circuit Court where such cause or causes are pending, to interchange with such incompetent Judge and try such cause or causes: *Provided*, However, that no Judge shall be compelled thus to interchange oftener than once in any twelve months.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 23, 1860.

CHAPTER 106.

AN ACT to allow parties in Chancery Causes to take depositions generally after continuance of the cause without the necessity of an order remanding it to the rules.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter whenever a cause in the Chancery Court may be continued by either party to the suit or by order of the Court, it shall be open for proof, or

the taking of depositions generally without the necessity of an order of the Court remanding it to the rules: *Provided*, That four months shall be allowed to each party for taking proof in chief, and two months for rebutting proof.

SEC. 2. *Be it further enacted*, That the Chancery Courts for the County of Robertson, after the next regular term, shall be holden for the said County, at Springfield, on the first Monday of May, and the Thursday before the third Monday in November.

Chancery Court,
Robertson county.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 23, 1860.

CHAPTER 107.

AN ACT to define the duties of the Bank of Tennessee and the Comptroller, in certain cases.

WHEREAS, Under the act of the 14th of February, 1856, chapter 250, sections 14 and 15, the Bank of Tennessee and the Comptroller each contend that the other is the proper custodian of the Free Bank Bonds; therefore, to place the question beyond doubt,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Bank of Tennessee shall be the custodian of the Bonds of the Free Banks, and that said Bonds or the Coupons upon them shall be subject only to the written order of the Comptroller for the purpose of carrying out the laws upon the subject of Free Banking in this State.

Bank of Tennessee,
custodian of
Free Bank
Bonds.

SEC. 2. *Be it further enacted*, That the act passed December 2d, 1859, entitled "an act to change the place of paying off certain State Bonds," be so construed as to authorize the Governor to issue Bonds payable at the same time and for the same amount of those which may be presented for cancellation and renewal, and that the coupons as well as the bonds shall be made payable in the City of New York, and the coupons be signed by the Comptroller, and all bonds renewed under the provisions of the before recited act, shall have the coupons made payable on the 1st of January and the 1st of July in each year, and that the Comptroller issue his warrant for the interest due

Renewal of State
Bonds.

at the time of renewal as provided in the act passed February 21st, 1852, entitled an act to authorize the renewal of certain bonds of the State of Tennessee.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 19, 1860.

CHAPTER 108.

AN ACT to repeal Section 698 of the Code.

Foreign Insurance License.

Be it enacted by the General Assembly of the State of Tennessee, That section six hundred and ninety-eight of the Code of Tennessee, be and the same is hereby repealed.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 19, 1860.

CHAPTER 109.

AN ACT to enable Justices of the Peace to correct their Judgments.

Be it enacted by the General Assembly of the State of Tennessee, That justices of the peace shall have the same power to correct the judgments rendered by them, that Courts of record now have, provided that before they shall correct any judgment under the provisions of this act, the party asking the correction shall give the adverse party five days' notice of the time and place of his intended application to correct the judgment, and from which judgment so corrected either party may appeal or stay it as in cases of original judgment before justice of the peace.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 20, 1860.

CHAPTER 110.

AN ACT to repeal Section 3008, Article 2, Chapter 13 of the Code of Tennessee.

Be it enacted by the General Assembly of the State of Tennessee, That section 3008 of the Code be and the same is hereby repealed. *Enactions.*

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, March 20, 1860.

CHAPTER 111.

AN ACT to compensate printers in certain cases.

WHEREAS, It was provided by section 622, of the Code of Tennessee, if no person will bid the taxes, costs and charges of land levied on for taxes, then, and in that case, the collector shall bid off the same in the name of the Treasurer as Superintendent of Public Instruction, for the use of the Common Schools, in which cases, the officer's fees only are provided for, and inasmuch as the printers are not by the Comptroller, regarded officers as contemplated by said section 622, and inasmuch as it was necessary and required by law, that such lands so levied on, should be advertised in some newspaper; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Comptroller issue his warrant for all printer's fees for advertising such lands, after the Code of the State of Tennessee became the law.

SEC. 2. *Be it further enacted,* That the Comptroller issue his warrant upon the Treasury for the benefit of the Clerk of the Criminal Court of Davidson County, for twenty-two dollars and fifty cents, being costs in the case of the State of Tennessee vs. Charles Foster, Jr., Charles Foster, Sr., and Patterson B. West, judgment upon forfeited recognizance; that he issue his warrant as aforesaid in favor of A. A. Hyde, attorney of the State in securing said forfeiture, for the sum of \$200; that he issue his warrant as aforesaid in favor of S. A. Rogers, Sheriff of Marion

Comptroller to
issue warrant to
Clerk Criminal
Court of David-
son county, to
Hyde & Rogers.

Warrant to F. A.
Parham.

county, for seventy dollars and fifty cents, being his commission on the aforesaid judgment of forfeiture, (of four thousand three hundred and twenty-two dollars), and his levy fee ; the land levied on having been bid in by the State at the amount of said judgment of forfeiture, costs, interest and commission ; and that he issue his warrant as aforesaid in favor of F. A. Parham, for twenty-five dollars, printer's fees for advertising eight tracts of land levied upon and sold in said cause, and not included in the other costs ; the provisions of this act to apply to all cases, arising after the passage of the Code.

SEC. 3. *Be it further enacted*, That the provisions of this act take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 22, 1860.

CHAPTER 112.

AN ACT to amend Section 5294, of the Code, in regard to holding Juries of Inquest of the bodies of deceased persons.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter Justices of the Peace in this State, shall have the same power, when called on, to hold juries of inquest over the bodies of deceased persons as coroners of counties now have, and that they have the same fees for the same as are now allowed coroners for the same services.

SEC. 2. *Be it further enacted*, That this act take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 22, 1860.

CHAPTER 113.

AN ACT to repeal State aid granted to Railroad Companies not under contract.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the State aid granted to Railroads, on which no work has been done, and where no stock has been subscribed, the aid so granted to all such roads is hereby repealed.

SEC. 2. *Be it further enacted*, That this act take effect and be in force from its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.
TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, March 22, 1860, at 11½ o'clock.

This Bill, Senate Bill No. 192, appears from the original bill, passed the House of Representatives, 2d reading, 22d March, 1860, at half after 11 o'clock, Sheid's motion to reconsider, 22d March, 1860, motion to reconsider laid on the table, March 24th, 1860, and I signed the act March 26th, 1860.

TAZ. W. NEWMAN,
Speaker of the Senate.

CHAPTER 114.

AN ACT to amend the law on the subject of Mechanics' Lien.

SECTION. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section 1981 of the Code be so amended, that the benefits of said section shall apply to all persons doing any portion of the work, or furnishing any portion of the material for the building contemplated in said section.

SEC. 2. *Be it further enacted*, That this act take effect from and after its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.
TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, March 22, 1860.

CHAPTER 115.

AN ACT to enable County Courts to clear the fords of rivers of obstructions.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it may be lawful for County Courts of the various counties of this State, to clear out the

fords of rivers where public roads cross the same, upon the plans and conditions herein set forth.

SEC. 2. *Be it further enacted*, That at the April term of the County Court, a majority of the magistrates consenting thereto, the magistrates of each civil district in said county shall report such fords to the chairman of the County Court, as they think should be cleared of obstructions, and the court shall act on each proposition separately, a majority of the court present determining whether they will receive the propositions; then the chairman of the Court shall report all the propositions received.

SEC. 3. *Be it further enacted*, That the fords shall be cleared of all loose rock, and all fastened rock shall be battered down, that can be done by a heavy blunt, or square-end crow-bar, or sledge hammer, and all other obstructions that can be conveniently removed, and all rubbish removed shall be deposited where it will not deepen the ford of the stream; and the width of the ford shall depend upon the use the public make of it: *Provided, however*, The ford shall not be required to be cleared over sixty feet wide.

SEC. 4. *Be it further enacted*, That the County Court Clerk shall make out a list of the propositions reported by the chairman of the County Court, and give it to the sheriff, who shall immediately advertise at the different fords proposed to be cleared out, or at some public place near said fords, that contracts will be given to bidders at the July term of said court: *Provided*, a majority of said court are agreed.

SEC. 5. *Be it further enacted*, That the contractors shall return to the August Court term, or some subsequent term, a certificate with two responsible freeholders signed as witnesses, that the contractor has complied with the law set forth in the third section of this act; thereupon the chairman of the County Court shall issue his warrant which shall be paid as other county claims.

SEC. 6. *Be it further enacted*, That this act take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 23, 1860.

CHAPTER 116.

AN ACT to regulate the practice upon the subject of bail whilst persons charged with crime are on trial.

Be it enacted by the General Assembly of the State of Tennessee, That it shall be the positive duty of the Judges of the State to accept of the accused, if tendered, bail with sufficient sureties for the appearance of such accused from day to day during the pendency of the trial: *Provided*, The case is bailable at law; and that this act shall take effect from and after its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, March 23, 1860.

CHAPTER 117.

AN ACT to amend Section 4532 of the Code.

SECTION. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the salary of the Superintendent of weights and measures, and the keeper of the public arms be increased fifty dollars, and that his total salary as Superintendent of weights and measures and for his services in collecting and keeping the public arms, shall be six hundred dollars instead of five hundred and fifty dollars as now provided by sections 4531 and 4532 of the Code, and that the Secretary of State furnish said officer with such stationery and postage as may be required in performing the duties of his office: *Provided*, Such stationery and postage do not exceed twenty-five dollars per annum.

Salary of Superintendent of Weights and Measures.

SEC. 2. *Be it further enacted*, That the Comptroller of the Treasury issue his warrant on the Treasurer for the sum of two hundred and twenty-six dollars (\$226), to K. Branch, for his services in arresting and bringing Thos. F. Mosby from New Orleans and lodging him in the jail of Davidson county, and that this act take effect from and after its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, March 23, 1860.

CHAPTER 118.

AN ACT to amend the Criminal Laws of this State.

Capital offence in
slave or free per-
son of color to
obstruct rail-
roads.

Be it enacted by the General Assembly of the State of Tennessee, That if any slave or slaves, or free person of color, wilfully and maliciously puts upon the track of any railroad in this State, any kind of obstruction, or loosens or removes any of the railroad timbers, or loosens, destroys or injures any of the machinery, gear or apparatus of the locomotive or cars, or removes or changes any signal, so as to endanger the safe running of the locomotive and cars, or either or any of them, shall be guilty of a capital felony, and upon conviction of any such offence, shall suffer death by hanging, as in other capital offences, under the laws of the State.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 23, 1860.

CHAPTER 119.

AN ACT to provide for enumerating the free white male inhabitants of the State.

County Court to
appoint Commis-
sioner.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the several County Courts of this State shall, at the January term of said courts, in the year 1861, a majority of the Justices of the county being present, elect a Commissioner whose duty it shall be to take and make out in writing an accurate and complete list of the number of free white male inhabitants of their respective counties, who are twenty-one years of age and upwards, who shall be resident citizens of their counties on the 1st day of January, 1861, and it shall be the duty of each of said Commissioners to return such list of free white male inhabitants so taken by them, as aforesaid, certified to the Clerk of the County Court, on the first Monday in July, 1861.

SEC. 2. It shall be the duty of the Clerks of the County Courts to make out an aggregate number of the free white

male inhabitants thus returned, to enter the same on the minutes of the County Court, to make out two accurate copies thereof, one to be filed in their respective offices, and the other to be transmitted to the Secretary of State, on or before the first day of October, 1861, which copies shall be certified under their hands and seals of office, and they shall also furnish the senators and representatives from their respective counties with a duplicate thereof. Clerk's duties;

SEC. 3. It shall be the duty of the Secretary to embody the enumerations thus returned from the respective counties, and present the same to the General Assembly, during the first week of the session of 1861. Secretary of State's duty.

SEC. 4. If the County Courts fail to appoint Commissioners as provided in the first section of this act, or should the Commissioner appointed die, or remove out of the county before taking and returning the list as required, then the County Court at the next term thereafter, may elect one in his place.

SEC. 5. The Commissioner shall be allowed the sum of five dollars for each hundred inhabitants by him enumerated and returned, which shall be paid by the Treasurer of the State upon a warrant from the Comptroller.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 22, 1860.

CHAPTER 120.

AN ACT to secure the Payment of Costs in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all cases of bonds for the prosecution of original suits, or by appeal, *certiorari*, or writs of error, or where there is security taken of record, in any of the courts of the State, or before a Justice of the Peace, the security shall undertake to pay all costs that may be at any time adjudged against his principal, in the event it is not paid by said principal.

SEC. 2. *Be it further enacted*, That in all cases where cost in any case in any court, or before any justice, for any cause, is adjudged against either party, judgment shall be entered jointly against the party and his, her or their secu-

rity, or securities, and execution shall jointly issue for the collection of the same, which shall be first collected out of the principal or principals, if it can so be made, and if not, then out of the security or securities.

SEC. 3. *Be it further enacted*, That no omission or neglect to insert the proper conditions in any such bonds, shall vitiate or impair the validity of the same.

SEC. 4. *Be it further enacted*, That hereafter it shall and may be lawful for all courts ordering the survey of any land or lands, to allow in addition to the fee now allowed by law, such additional compensation as the services of the county surveyor may be reasonably worth.

Knox county
Judge.

SEC. 5. *Be it further enacted*, That the 5th section of an act passed the 20th of March, 1858, chapter 90, be so amended that hereafter the Judge of the County Court, of Knox county, shall cause to be issued a writ of *venire facias* to the Sheriff of Knox county at the times he is now required by law to do so, for twenty-five competent citizens of said county to act as jurors in the trial of misdemeanors.

Same.

SEC. 6. *Be it further enacted*, That hereafter the Judge of the County Court of Knox county, at each term of said court for the trial of misdemeanors shall cause a grand jury to be selected from the jurors named in the *venire* and that all bills of indictment and presentments for misdemeanors hereafter found by the grand jury of said County Court, instead of the grand jury of the Circuit Court.

Circuit Court
Clerk of Knox
county.

SEC. 7. *Be it further enacted*, That the Clerk of the Circuit Court of Knox county, be authorized to tax up the costs which have accrued in the Circuit Court of Knox county, on behalf of the State in cases which have been transferred for trial to the County Court, and that the same be certified for allowance by the County Court of Knox county as other costs are certified.

Judge.

SEC. 8. *Be it further enacted*, That hereafter the chairman of the County Court, or county Judge shall not affix the seal of the county to warrants drawn by them upon the county treasury.

County Court
Judge's duties.

SEC. 9. *Be it further enacted*, That it shall be the duty of the Judge or chairman of the County Courts to prosecute all clerks of the various courts in this State, who have failed to pay over the fees and costs mentioned in section of the Code, collected within the last two years, and none others, and to make annual settlements with such clerks, and to collect said fees and costs as therein provided, and a failure to do so upon the part of any County Judges or chairman shall be a misdemeanor in office, upon conviction

whereof, he shall be fined not less than fifty nor more than five hundred dollars, and in addition thereto be removed from office.

SEC. 10. *Be it further enacted*, That the tax of ten dollars imposed upon every defendant in a State case in the Supreme Court who has the cost to pay, be, and the same is hereby repealed.

Costs in Supreme Court.

SEC. 11. *Be it further enacted*, That this act take effect from and after its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, March 22, 1860.

CHAPTER 121.

AN ACT to amend the law in relation to Jailors' Fees in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That jailors be allowed the same fees for keeping witnesses committed to jail under sections 5069, and 5071, of the Code, as they are now allowed by section 4574, for keeping prisoners, that the same be taxed in the bill of costs and paid in the same manner as other costs in the same cases.

SEC. 2. *Be it further enacted*, That this act take effect from and after its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, March 23, 1860.

CHAPTER 122.

AN ACT to amend the Act of the 19th of February, 1833, entitled An Act to regulate the business of Banking in Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Banks that organized under the provisions of the above recited Act, now in opera-

tion, or in voluntary liquidation, may withdraw their Bonds now on deposit with the Comptroller, or any portion of said Bonds by their returning a corresponding amount of their circulation, may continue their business with the rights and privileges conferred upon them by the Act under which they organized: *Provided*, They will pay to the Comptroller of this State the sum of five hundred dollars annually, which shall go into the Common School fund, and shall be in lieu of all other taxes: *Provided*, The Comptroller shall retain a sufficient amount of bonds to keep the outstanding circulation at par.

SEC. 2 *Be it further enacted*, That this act shall take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 23, 1860.

CHAPTER 123.

AN ACT to furnish the Pupils of the Tennessee School for the Blind with Musical Instruments, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the sum of twelve hundred and fifty dollars per annum, for the next two years, is hereby appropriated to the Tennessee Blind School for the purpose of purchasing books in raised print, apparatus especially prepared for teaching those deprived of sight, and for sustaining the musical department of said School, to be drawn from any moneys in the State Treasury not otherwise appropriated, as prescribed by law.

Trustees.

SEC. 2. *Be it further enacted*, That the present number of eight Trustees be reduced to seven, when a vacancy occurs by resignation or otherwise.

Same.

SEC. 3. *Be it further enacted*, That the Trustees of said School may adopt such measures in establishing a work department, and in boarding the adult blind as they deem the interests of the Institution under their charge demand: *Provided*, That in no case they shall expend for any pupil more than the amount now annually appropriated for each pupil of said School.

SEC. 4. *Be it further enacted*, That the Superintendent

and a committee of two of the Trustees of said School shall employ and discharge all persons connected with it, but shall not increase the salary of any person without the consent of the Board of Trustees.

W. C. WHITTHORNE;

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 23, 1860.

CHAPTER 124.

AN ACT to aid in the publication of books for the Blind.

WHEREAS, An Institution under the name and style of the American Printing House for the Blind, has been established under and by virtue of the laws of Kentucky, at Louisville, under the direction of the Hon. James Guthrie, Hon. W. F. Bullock, Theodore S. Bell, M. D., Jno. Milton, A. O. Branrin, and Bryce M. Patton: and, whereas, an auxiliary Board has been chartered in this State, consisting of Ex-Gov. Neill S. Brown, F. B. Fogg, C. K. Winston, M. D., Alex. L. P. Green, J. N. Sturdevant: and, whereas, a considerable sum has been subscribed, and it is contemplated to apply to each of the several States that have or may have organized auxiliary Boards to aid in adequately and permanently sustaining said Printing House for the Blind, in proportion to the number of Blind in each State: and, whereas, the State of Mississippi has appropriated two thousand dollars (\$2,000) for the establishing of said institution, and passed a general law appropriating ten dollars per annum for every white blind person in said State, to sustain said institution, and to supply the blind of said State with literature: and, whereas, it is contemplated to apply to the several States to contribute in the said proportion thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the sum of two thousand dollars is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, to the said American Printing House for the Blind. For the said two thousand dollars, the Comptroller is hereby authorized and required to issue his warrant on the Treasurer, upon the requisition of the auxiliary board of this State in behalf of the Treasurer of said Board.

Ten dollars for
each blind person

SEC. 2. *Be it enacted*, That the sum of ten dollars per annum for each white blind person in said State is hereby appropriated, for which the Comptroller is hereby authorized and required to issue his warrant on the requisition of the said auxiliary board in favor of the Treasurer of said board: *Provided*, The blind of this State shall receive books as directed in section 7, of the published charter.

SEC. 3. *Be it enacted*, That the number of blind in this State, for each of whom the said sum of ten dollars is to be annually appropriated as aforesaid, shall be ascertained, from the official returns of the last census taken under the authority of the government of the United States, preceding each annual payment.

SEC. 4. *Be it enacted*, That the provisions of the second section of this Act shall only apply to white blind persons over the age of six and under the age of sixty years.

Twenty-five
thousand dollars
to be first raised.

SEC. 5. *Be it enacted*, That this Act shall take effect and be in force from and after the sum of twenty-five thousand dollars shall have been raised in cash, including the two thousand dollars in the first section of this Act, for the object of establishing the American Printing House for the Blind.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, March 23, 1860.

CHAPTER 125.

AN ACT to amend Section 337 of the Code so as to authorize the election of two Justices from each of the Wards of the City of Nashville, and to amend the charter of said city.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section 337 of the Code shall be amended so as to read as follows:

337. For the district including the city of Nashville, two Justices of the Peace may be elected for each ward, by the qualified voters therein.

Shelby County.

SEC. 2. *Be it further enacted*, That the Sheriff of Shelby county shall have the right to appoint five deputies.

SEC. 3. Territory adjoining the city of Nashville, may be added thereto and included in the corporate limits thereof, as follows, viz :

Twelve citizens, freeholders in the territory proposed to be added and included within the corporate limits of the City, shall sign a petition in writing, under their signatures, in which shall be described by metes and bounds, the particular territory proposed to be added and included, and shall submit the same to the Mayor and Aldermen and Council of said city for consent and approval. If the city authorities aforesaid consent, and a majority of the citizens who are freeholders in the territory consent, then said territory shall become a part of the city of Nashville.

SEC. 4. To test the sense of the citizens who are freeholders in said territory, and obtain their consent, or the consent of a majority of them, an election shall be held at some convenient and public place in said territory, and each citizen who has a freehold in said territory shall be a qualified voter, and no other shall be.

The Sheriff of Davidson county shall hold the election; shall give twenty days' notice of the time and place and purpose of the election; shall appoint judges and clerks to aid in said election; and shall make a return of the result to said city authorities, and if a majority of the qualified voters be in favor of addition and incorporation with the city of Nashville, then said territory shall become a part of said city.

SEC. 5. At the next annual election for Mayor and Aldermen and Council, the voters who are in favor of the election of said officers for a term of two years, shall put the words, "Term of officers for Two Years" on their tickets and if a majority of all the votes polled shall be in favor of the election of said officers for a term of two years, then and thereafter the charter of the city of Nashville shall be so amended, and said election shall be held accordingly; and,

SEC. 6. Thereafter the qualification for Mayor, Aldermen, and Councilmen, shall be citizenship and residence within the city of Nashville for two whole years next preceding the election, and no other.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 23, 1860.

CHAPTER 126.

AN ACT to regulate Tippling and Tippling Houses.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That any person who shall sell spirituous or vinous liquors by retail to any free person of color knowingly, or suffer or permit them or slaves to assemble at night time or Sundays on the premises of such person who may have such spirituous liquors, such person shall be guilty of a misdemeanor, and be fined and punished at the discretion of the Court and Jury.

Misdemeanor to
sell to free per-
sons of color, &c.

SEC. 2. This Act shall not be so construed as to repeal the laws now in force in relation to unlawful retailing.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 24, 1860.

CHAPTER 127.

AN ACT to amend the Attachment Laws of the State of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That when any person or persons who are non-residents of the State, have any choses in action, or any other property in this State, and are indebted to any person or persons who are non-residents, and the last named non-residents shall be indebted to any citizen of this or any State or States, it shall be lawful for the last named creditor or creditors, without having first secured a judgment at law, to file a bill in chancery to have said debts, choses in action, or other property attached, and the person or persons who owe said debts to said non-residents, and the person or persons in whose possession such choses in action or other property may be, shall be made defendants to the bill.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 24, 1860.

CHAPTER 128.

AN ACT for the relief of Negroes who have been set free by their Masters, who have provided no means to transport them to the Western Coast of Africa.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all negroes who have been set free by their former owners, by deed, will, or otherwise, and who have not been emancipated, shall have the privilege of going into voluntary slavery under the laws now in force in this State, and if said negro or negroes shall choose to go into slavery, the County Court shall not hire them out as now required by law.

SEC. 2. *Be it further enacted*, That when such negro choosing to go into slavery, is the mother of a child or children, who are under the age of six years, and who are also entitled to their freedom, said mother shall have the right of electing for her said child or children, as to their future slavery or freedom; if she shall elect that her said child or children shall be slaves, then she shall choose their master or future owner; and the court selling said child or children shall decree title to said purchaser.

Mother to determine for her children.

SEC. 3. *Be it further enacted*, That the owner of said child or children shall give bond in double the value of said child or children, made payable to the State of Tennessee, for the benefit of said child, that said child or children shall be forthcoming to the County Court of the county where said child or children shall have been enslaved, at the age of eighteen and twenty-one years; and the said master shall not dispose of said child or children to any person; and if he should sell them he shall be subject to indictment, and on conviction be confined in the Penitentiary for a period not less than three years nor more than ten years.

Master to give bond for the forthcoming of the children.

SEC. 4. *Be it further enacted*, That this act shall take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 24, 1860.

CHAPTER 129.

AN ACT to encourage the use of Private Capital.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter all persons and partnerships, and associations of persons paying taxes for the use of money as money-dealers, in accordance with the laws in such cases made and provided, shall be hereafter allowed to receive deposits, issue checks, or bills of exchange, or discount notes, bills, and other securities: *Provided*, Such person shall not be allowed to charge on bills a greater discount than legal interest, and the current rate of exchange then existing in favor of the place where the bill is drawn, and against the place upon which it is drawn: *Provided, further*, That this act shall not be construed to authorize such persons, partnerships or associations, to issue and put in circulation, any instrument or promise to pay money intended to pass as currency or money: *And, provided, further*, That no such persons or companies shall be allowed to receive on deposit or pay out the notes of any bank not chartered by this State, nor shall they pay any interest on deposits; and for every violation of any one of these provisions, such person, partnership or association of persons shall be liable to a penalty of five hundred dollars, recoverable in any court having jurisdiction thereof, one-fourth to the informer or prosecutor, and the other three-fourths to the State.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with the foregoing provisions, be and the same are hereby repealed; and that this act take effect from and after its passage: *Provided*, That the Legislature reserves the power to repeal this act, and all rights acquired under it, but in the event of its repeal, however, all parties having debts acquired under this act shall have the right and power to collect them.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 23, 1860.

CHAPTER 130.

AN ACT to defray the expenses of the General Assembly of the State of Tennessee, with the Report of the Committee on Finance.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Comptroller of the Treasury issue his warrant to each member of the Senate and House of Representatives for the sum stated to be due to each in the annexed Report of the Committee on Finance.

SEC. 2. *Be it further enacted*, That the Comptroller issue his warrant to the officers of the Senate and House of Representatives, viz: To John McClarin, for one thousand and fifty-six dollars (\$1,056,) for one hundred and seventy-six days' service as principal clerk of the Senate; to Frank M. Paul, for one thousand and fifty six dollars (\$1,056,) for one hundred and seventy-six days' service as assistant clerk of the Senate; to J. E. Bennett, for seven hundred and four dollars (\$704,) for one hundred and seventy-six days' service as doorkeeper of the Senate; to R. S. Bugg, for seven hundred and four dollars (\$704,) for one hundred and seventy-six days' service as messenger of the Senate; to Fred. S. De Wolfe, one thousand and fifty-six dollars (\$1,056,) for one hundred and seventy-six days' service as first assistant clerk of the House of Representatives; to Jno. A. Campbell, for one thousand and fifty-six dollars (\$1,056,) for one hundred and seventy-six days' service as engrossing clerk of the House of Representatives; to Jno. E. Helms, for three hundred and ninety-six dollars (\$396,) for sixty-six days' service as third assistant clerk of the House of Representatives; to A. G. Martin, as fourth assistant clerk of the House of Representatives, for two hundred and thirty-four dollars (\$234,) for thirty-nine days' service; to J. M. Carter, for seven hundred and four dollars (\$704,) for one hundred and seventy-six days' service as principal doorkeeper of the House of Representatives; to F. P. Wade, for seven hundred and four dollars for one hundred and seventy-six days' service as assistant doorkeeper of the House of Representatives.

SEC. 3. *Be it further enacted*, That the Comptroller of the Treasury issue his warrant to the following persons for stationery, &c., &c.:

To F. Hagan, for articles, per voucher No. 1....	\$319 88
Macey & Hamilton .....No. 2....	53 58
A. C. & A. B. Beech.....No. 3....	292 25

J. W. Wilson.....	No. 4....	\$345 58
L. F. Beech.....	No. 5....	15 00
A. H. Hicks & Co.....	No. 6....	39 75
Jo. G. Brown.....	No. 7....	59 26
John York.....	No. 8....	232 75
W. T. Berry & Co.....	Nos. 12, 13, 14....	361 21
Jo. G. Brown & Evans.....	No. 9....	79 85
John York & Co.....	No. 10....	115 40

SEC. 4. *Be it further enacted*, That the Comptroller issue his warrant to Sydney Mosley for six dollars, for one days' service in organizing the House of Representatives; that the Comptroller issue his warrant to Frank S. Hale for six dollars, for one days' service in organizing the House of Representatives; that the Comptroller issue his warrant to W. C. Whitthorne for the service of the boy Jim, in attending to the water-closet during the session, for the sum of seventy-five dollars; that the Comptroller issue his warrant to Samuel R. Anderson, postmaster at Nashville, for one thousand one hundred and thirty-two dollars, for postage stamps furnished the members of this General Assembly.

SEC. 5. *Be it further enacted*, That the Comptroller of the Treasury issue his warrant to Tazewell W. Newman, Speaker of the Senate, for three hundred and thirty dollars, for the services of the boy Buck for attending in the Senate.

SEC. 6. *Be it further enacted*, That the Comptroller of the Treasury issue his warrant to W. C. Whitthorne, Speaker of the House of Representatives, for the sum of four hundred and seventy-four dollars (\$474,) for the services of the boy George for attending upon the House of Representatives.

• Clerk of Senate. SEC. 7. *Be it further enacted*, That the principal clerk of the Senate shall remain a sufficient time after the adjournment to file the papers of the Senate in the office of the Secretary of State, and close his business, for which he shall be allowed his per diem; and that the said clerk be allowed thirty cents per page for copying the unfinished Journal, and that the Comptroller issue his warrant for the same.

Clerk of House. SEC. 8. *Be it further enacted*, That Fred. S. De Wolfe, principal clerk of the House of Representatives, shall remain a sufficient length of time after the adjournment to file the papers of the House of Representatives in the office of the Secretary of State, and close his business, for which he shall be allowed his per diem; and that the said clerk be allowed thirty cents per page for copying the

unfinished Journal, and that the Comptroller issue his warrant for the same.

SEC. 9. *Be it further enacted*, That the Comptroller issue his warrant and pay the several publishers of the city papers for the papers furnished the General Assembly and laid upon the table of each member every day of the session, at the current subscription price of the same: *Provided* said payment shall be made in accordance with a resolution passed by the present session of the General Assembly regulating the number of papers each member shall receive at the expense of the State.

SEC. 10. *Be it further enacted*, That the Comptroller of the Treasury issue his warrant to Messrs. E. G. Eastman & Co. for the sum of four hundred and seventy-five dollars for the Legislative Union and American furnished each member of the General Assembly under a resolution passed at the present session.

E. G. Eastman &
Co.

SEC. 11. *Be it enacted*, That the Secretary of State cause one copy of the Acts and Journals of the present General Assembly to be bound for each member of both Houses and the officers of the same, and distribute with the other Acts and Journals.

Sec'y of State.

SEC. 12. *Be it further enacted*, That the Comptroller issue his warrant to the principal clerk of the Senate, and Fred. S. De Wolfe, principal clerk of the House of Representatives, for one hundred dollars for preparing an index to Senate Journal, and one hundred dollars for preparing an index to House Journal of the present session of the Legislature.

Clerks of the
Senate and
House.

SEC. 13. *Be it further enacted*, That the Comptroller of the Treasury examine the accounts of Messrs. E. G. Eastman & Co., for job printing executed for the General Assembly, and pay the same according to the rate specified by law, out of any money in the treasury not otherwise appropriated.

E. G. Eastman &
Co.

SEC. 14. *Be it further enacted*, That the sum of two hundred and fifty dollars per annum be allowed W. F. McGregor, treasurer, for two years ending the first of March, 1860, for services as superintendent of public instruction, and for assistance necessarily employed in distributing the school funds to each school district in the State, and that the Comptroller issue his warrant for the same.

W. F. McGregor.

SEC. 15. *Be it further enacted*, That the Comptroller of the Treasury issue his warrant to T. E. S. Russworm for sixty dollars, the amount paid by him for extra clerk hire.

T. E. S. Russ-
worm.

SEC. 16. *Be it further enacted*, That the Comptroller of the Treasury issue his warrant to T. E. S. Russworm for

the sum of eight hundred and twenty-two dollars (\$822,) for one hundred and thirty-seven days' service as principal clerk of the House of Representatives.

SEC. 17. *Be it further enacted*, That the Comptroller issue his warrant to W. F. McGregor for the sum of one hundred dollars per annum as compensation for preserving the furniture, &c., of the Senate chamber and the House of Representatives.

SEC. 18. *Be it further enacted*, That the Comptroller of the Treasury is hereby directed to issue his warrant to Edmund C. Trigg for the sum of one hundred and forty dollars, the amount due said Trigg for distributing the Acts and Journals of 1855-6.

SEC. 19. *Be it further enacted*, That the Comptroller issue his warrant to the Nashville Gas Light Company for one hundred and twenty-two dollars and forty-five cents (\$122.45) for gas furnished at the Capitol.

SEC. 20. *Be it further enacted*, That the Comptroller issue his warrant to W. R. Cornelius for twelve dollars, for articles furnished this General Assembly.

Report of the Committee on Finance, showing the mileage and per diem allowance of the members of the Senate and House of Representatives at the regular session of the thirty-third General Assembly, and the aggregate amount of each.

SENATORS' NAMES.	Days.	Per diem.	Miles	Mileage.	Total.
V. S. Allen.....	176	\$704	212	\$33 92	\$737 92
J. S. Boyd.....	176	"	400	64 00	768 00
W. M. Bradford.....	"	"	464	74 28	778 24
R. W. Bumpass	"	"	880	140 80	844 80
R. T. Hildreth.....	"	"	250	41 60	744 00
Judson Horn.....	"	"	200	32 00	736 00
W. H. Hunter.....	"	"	224	35 84	739 84
James M. Johnson	"	"	119	19 04	723 04
James T. Lane	"	"	330	52 80	756 80
J. E. Mickley.....	"	"	136	21 76	725 76
J. A. Minnis	"	"	302	48 32	752 32
G. R. McClellan.....	"	"	750	120 00	824 00
Thos. McNeilly.....	"	"	76	12 16	716 16
M. V. Nash ..	"	"	460	73 60	777 60
R. G. Payne	"	"	768	122 88	826 88
G. B. Peters.....	"	"	704	112 64	816 64
J. W. Richardson.....	"	"	46	7 36	712 36

SENATORS' NAMES.	Days.	Per diem	Miles.	Mileage.	Total.
S. S. Stanton	176	\$704	150	\$24 00	\$728 00
Jordan Stokes.....	"	"	60	9 60	718 16
D. V. Stokely.....	"	"	500	80 00	784 00
B. L. Stovall.....	"	"	300	48 00	752 00
J. L. Thompson	"	"	100	16 00	720 00
John Trimble .....	"	"	.....	.....	704 00
E. J. Wood.....	"	"	92	14 72	718 72
T.W. Newman, Speaker	"	1056	170	27 20	1083 20
Total.....					\$19,183 44

REPRESENTATIVES' NAMES.	Days.	Per diem.	Miles.	Mileage.	Total.
R. H. Armstrong.....	161	\$644	400	\$64 00	\$708 00
W. N. Baker.....	176	704	200	32 00	736 00
Samuel Baker.....	"	"	280	44 80	748 80
Wm. H. Barksdale.....	"	"	85	13 60	717 60
W. M. Bayless.....	"	"	720	115 20	819 20
J. J. Beaty	"	"	180	28 80	732 80
Robt. A. Bennett.....	"	"	85	13 60	717 60
S. P. Bicknell.....	"	"	520	83 20	787 20
R. H. Bledsoe.....	"	"	250	40 00	744 00
Wm. Brazelton.....	157	628	450	72 00	700 00
James Britton.....	171	684	720	107 20	791 20
R. R. Butler	176	704	820	131 20	835 20
Alfred Caldwell.....	"	"	410	65 60	769 60
R. B. Cheatham.....	"	"	.....	.....	704 00
H. N. Cowden.....	"	"	150	24 00	728 00
Philip Critz.....	"	"	700	112 00	816 00
J. W. Davidson.....	"	"	168	26 88	730 88
John R. Davis.....	"	"	50	8 00	712 00
W. R. Doak	168	672	84	13 44	685 44
N. B. Dudley	176	704	100	16 00	720 00
E. H. East .....	"	"	.....	.....	704 00
Wm. Ewing.....	"	"	36	5 76	709 76
W. T. Farley	"	"	720	115 20	819 20
Jon. Pat. Farrelly.....	"	"	768	122 85	826 85
J. J. Ford.....	"	"	100	16 00	720 00
C. Frazier.....	"	"	220	35 20	739 20
George Gantt.....	165	660	84	13 44	673 44
J. W. Gillespie.....	176	704	338	62 08	766 08
T. S. Gorman.....	"	"	500	80 00	784 00
A. L. Green.....	"	"	826	52 16	756 16
W. W. Guy.....	"	"	376	60 16	764 16
R. R. Harris.....	160	640	300	48 00	688 00

REPRESENTATIVES' NAMES.	Days.	Per diem.	Miles.	Mileage.	Total.
J. S. Havron.....	176	\$704	260	\$41 60	\$745 60
G. V. Hebb.....	176	704	180	28 80	732 80
R. B. Hurt.....	171	684	350	56 00	740 00
R. M. Ingram.....	176	704	400	64 00	768 00
W. E. B. Jones.....	"	"	200	32 00	736 00
Robt. Johnson.....	159	636	550	88 00	724 00
W. R. Kenner.....	176	704	400	64 00	768 00
Thos. J. Kennedy.....	"	"	125	20 00	724 00
Alvis Kincaid.....	"	"	600	96 00	800 00
John W. Kincaid.....	"	"	610	97 60	801 60
Ben. J. Lea.....	160	640	360	57 60	697 60
H. C. Lockhart.....	176	704	180	28 80	732 80
Wm. L. Martin.....	"	"	62	9 92	713 92
P. B. Mayfield.....	164	656	330	52 50	708 50
Jno. G. McCabe.....	176	704	110	17 60	721 60
Jonathan Morris.....	"	"	212	33 92	737 92
J. L. Morphis.....	"	"	300	48 00	752 00
R. C. Nall.....	"	"	350	56 00	760 00
Jno. Norman.....	"	"	212	33 92	737 92
Jo. G. Pickett.....	"	"	100	16 00	720 00
J. D. Porter.....	"	"	220	35 20	739 20
S. Richardson.....	"	"	340	54 40	758 40
D. A. Roberts.....	"	"	250	40 00	744 00
Wm. M. Russell.....	"	"	150	24 00	728 00
D. C. Senter.....	"	"	475	76 00	780 00
J. M. Sheid.....	"	"	180	28 00	732 00
A. G. Shrewsbury.....	164	656	250	40 00	696 00
John Smith.....	176	704	160	25 60	727 60
J. M. Sowell.....	"	"	150	24 00	728 00
J. F. Trevitt.....	"	"	750	120 00	824 00
D. C. Trew hitt.....	"	"	328	52 48	756 48
A. J. Vaughn.....	"	"	375	60 00	764 00
J. B. White.....	"	"	.....	.....	704 00
Wm. L. White.....	"	"	60	9 60	713 60
C. H. Whitmore.....	"	"	716	114 56	818 56
M. Williams.....	"	"	182	29 12	733 12
J. J. Williams.....	"	"	110	17 60	721 60
Jno. Williams.....	171	684	400	64 00	748 00
J. L. Williamson.....	176	704	283	45 28	749 28
Wm. H. Wisener.....	156	624	126	20 16	644 16
John Woods.....	176	704	64	10 24	714 24
Jno. Woodard.....	159	636	50	8 00	644 00
W. C. Whitthorne, Sp'r	159	954	84	13 44	967 44
Total				\$54,812 31	

SEC. 21. *Be it further enacted*, That the sum of three hundred dollars be and the same is hereby appropriated each to Micajah Bullock, J. B. Heiskell, and Sam'l. T. Bicknell, for extra services rendered by them as acting joint select committee in the revision of the Statute Laws of Tennessee, at the last session of the General Assembly, and that the Comptroller of the Treasury issue his warrant for the same.

SEC. 22. *Be it further enacted*, That the Comptroller issue his warrant to Thomas S. Marr, for twelve dollars, for two days' service as principal clerk in organizing the Senate.

SEC. 23. *Be it further enacted*, That the Comptroller issue his warrant to J. F. J. Lewis, for six dollars, for one days' service as assistant clerk in organizing the Senate.

SEC. 24. *Be it further enacted*, That the Comptroller of the Treasury issue his warrant to W. C. Hart, for the sum of twenty-four dollars, for four days' service as assistant clerk in organizing the Senate of last session.

SEC. 25. *Be it further enacted*, That the Comptroller of the Treasury issue his warrant to B. L. Stovall, for twenty-four dollars in addition to his per diem as Senator, for twelve days' service as Speaker of the Senate.

SEC. 26. *Be it further enacted*, That the Comptroller of the Treasury issue his warrant to John A. Campbell, for one dollar, for a key furnished by him for a House Committee room.

SEC. 27. *Be it further enacted*, That the Comptroller of the Treasury issue his warrant to the Speaker of the House of Representatives, for fifteen dollars, for the boy George, for furnishing wash-towels for the General Assembly.

SEC. 28. *Be it further enacted*, That the Comptroller of the Treasury issue his warrant to Frank M. Paul, for three hundred and fifty dollars for extra clerk hire, for engrossing and enrolling.

SEC. 29. *Be it further enacted*, That the Comptroller in settling with publishers for giving notice of constitutional elections, shall pay all said accounts in accordance with section second of the act passed by the present session of the Legislature, March 1st, 1860. Comptroller.

SEC. 30. *Be it further enacted*, That the Comptroller issue his warrant on the Treasury to C. A. Rice, for six dollars and twenty-four cents, for freight and charges paid by him for the State.

SEC. 31. *Be it further enacted*, That the Comptroller of the Treasury issue his warrant to Hayden and Jasper, for fifty-seven dollars, for coal furnished the General Assembly.

SEC. 32. *Be it further enacted*, That the Comptroller and Secretary of State shall be added to the Board of Capitol

Commissioners; that the Board shall employ a competent engineer, who shall not be a contractor or interested as such in the work, to estimate the necessary cost of making excavations and fills, and doing other work to reduce to proper grade, and complete the capitol grounds as contemplated by the act of 1855-'56, and report the same to the Board, who shall have said report published, and that then the Board shall let or have said work done upon the best terms practicable for the interest of the State; and it is provided hereby, that in order to pay for said work, the Governor of the State shall issue coupon bonds of the State, bearing six per cent. interest, and having thirty years to run to maturity, which shall be cashed upon the application of the Board. at par by the Bank of Tennessee: *Provided*, That nothing herein contained, shall authorize the Governor to issue an amount of bonds exceeding in all, one hundred thousand dollars, nor shall the contracts of the Board for work exceed that sum: *And provided, further*, That if the said work can be completed for a less sum than one hundred thousand dollars, that only so many bonds shall be issued as will cover that sum.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 24, 1860.

CHAPTER 131.

AN ACT for the relief of Mrs. Anna Maria McNairy, &c.

Sections 1 and 2 are local and private.

Tax Collector. SEC. 3. *Be it further enacted*, That if any Tax Collector shall hereafter wilfully fail and refuse to pay into the Treasury of the State the revenue which he has collected, he shall be guilty of a felony; and it shall be the duty of the Attorney General of the district in which such defaulting revenue collector may reside to prosecute him for such offence, and upon conviction thereof he shall be imprisoned in the State Penitentiary for a period of not less than five nor more than twenty years.

Felony to fail to pay over Revenue.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN

Speaker of the Senate.

Passed, March 10, 1860.

CHAPTER 132.

AN ACT to construe An Act entitled An Act to reform and regulate the business of Banking in Tennessee, passed 6th of February, 1860.

Be it enacted by the General Assembly of the State of Tennessee, That the prohibition contained in section 3 of an act entitled, An Act to reform and regulate the business of Banking in Tennessee, passed February 6th, 1860, upon the rate of Bank stock and discount to stockholders, be construed to apply, as it was intended, to banks chartered under the provisions of said act, and not to banks then in existence; and that this Act take effect from and after its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, March 23, 1860.

SECRETARY OF STATE'S OFFICE,
NASHVILLE, April 10, 1860

I, J. E. R. RAY, Secretary of State, hereby certify that I have carefully compared the foregoing Acts, with the original enrolled Acts, on file in my office, and find them correct copies thereof.

J. E. R. RAY, *Sec'y of State.*

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STATE DEPARTMENT,
NASHVILLE, April 12th, 1860. }

A number of the foregoing Acts, as will be seen from the index, are of a purely local and private character, and inasmuch as the law requires the Public and Private Acts to be published separately, I deem it proper to state in explanation, that the reason they are thus arranged, is that they were adopted as amendments to Acts of a general and public character, consequently could not be separated.

J. E. R. RAY, *Sec'y of State.*

ERRATA.—It was discovered when too late for correction that the Act in relation to the redemption of lands, sold for taxes, was duplicated. Sec. 593 of Code, in marginal note, chap. 70, sec. 7, page 54, should be sec. 573.

PRIVATE ACTS

OF THE

STATE OF TENNESSEE,

PASSED AT THE FIRST SESSION OF THE

THIRTY-THIRD GENERAL ASSEMBLY

FOR THE YEARS 1859-60.

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PRIVATE ACTS

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF TENNESSEE,

PASSED AT THE SESSION OF 1859-'60.

CHAPTER 1.

AN ACT providing for a change of the place of holding the Circuit Court of Obion county, west of Reelfoot Lake.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That the Judge holding the Circuit Court of Obion county, west of Reelfoot Lake, may by order made in open court, and entered upon the minutes, change the place of holding said court to the new Masonic Hall, or to any other convenient place in the said neighborhood, that may be provided for that purpose.*

SEC. 2. *That the said Judge may by an order so made, direct the Sheriff of Obion county to take the vote of the citizens of Obion county, residing west of Reelfoot Lake, as to the place for the permanent location of said Court, and when said place is so fixed by a vote of the people, and a house provided for the same, the sessions of said court shall be held at the place so provided.*

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, October 14, 1859.

CHAPTER 2.

AN ACT to amend an act passed the 13th day of February, 1854, incorporating the Spring Street Bridge Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the act of the General Assembly of the State of Tennessee incorporating the Spring Street Bridge Company, passed on the 18th day of February, 1854, be re-enacted and so amended as to authorize said company in its discretion to build a suspension or pier bridge as may be deemed best by the directors thereof.

Pier Bridge.

SEC. 2. If a pier bridge be erected, a space of not less than two hundred feet shall be left open and free for navigation between the two main centre pillars of said bridge, and the floor of said bridge shall not be less than one hundred and four feet above low water mark of said river, so as to admit of unobstructed free navigation.

SEC. 3. That said company may contract for the right of way, and for such grounds as are necessary and proper for its purposes, and on failure to obtain the same by contract, application shall be made for the condemnation of such right of way and grounds to the Circuit Court of Davidson county, and thereupon, and on notice to the parties interested therein, by personal service, if within the jurisdiction of the court, if not by publication in one of the city prints, the Judge of said court shall appoint five disinterested citizens as commissioners to view said way and grounds and assess the value thereof, and report the same in writing to said court at its next ensuing term, which report, if not excepted to, shall be confirmed, and the amount thereof shall be paid before said appropriation is made.

SEC. 4. On the return of said report to said court, either party or parties may except to said report in writing, and demand a trial before the Judge of said court and a jury, and thereupon the same shall be had, as is provided for in the charter of the Nashville and Chattanooga Railroad Company, passed 1845-'46.

SEC. 5. In the construction of said bridge, if necessary, said company may issue its bonds for fifty thousand dollars, in sums of not less than one thousand dollars to the bond, and the same, if issued, shall be a lien on said bridge.

SEC. 6. This charter is granted on express condition that the navigation of Cumberland River is not to be obstructed, but shall remain open and free.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, October 20, 1859.

CHAPTER 3.

AN ACT to charter the Eagleville and Salem Turnpike Company, and for other purposes.

WHEREAS, Upon application to the Hon. Isham G. Harris, Governor, &c., of the State of Tennessee, he appointed Thos. O. Butler, John J. Jarrett, F. Jackson, Sr., B. B. Taylor, James Haynes and C. B. Farris, of Rutherford county; Richard C. Owen, G. R. Owen, Wm. G. Osborne, Joseph H. Cromer and Chesley Williams, of Williamson county, State of Tennessee, commissioners to procure stock for the purpose of building a turnpike road from Salem, in Rutherford county, to Eagleville, in Williamson county, and the said commissioners, in pursuance thereof, procured about twenty-six thousand dollars subscribed stock, and gave legal notice in the "Murfreesboro' Telegraph" of the time and place of a meeting of the stockholders, and agreeable to said notice the stockholders assembled at New Concord Church, on the 21st day of July, 1859, and organized the Eagleville and Salem Turnpike Company, and elected by vote five of the stockholders, directors and locators, the directors to serve for one year, to wit: John J. Janette, Thomas O. Butler, C. B. Farris, of the county of Rutherford, Richard C. Owen and Chesley Williams, of Williamson county, in conformity to the laws of private corporations, sections 1400 to 1446, Code of Tennessee, and as this road will be connected with the Salem turnpike, and our duties being complicated in the general law under which we are acting, we pray the Legislature to grant us a separate charter, simplifying and making plain our duty and in conformity to the Salem Turnpike charter.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the said Thomas O. Butler, John J. Jarrett, C. B. Farris, of the county of Rutherford, Richard C. Owen and Chesley Williams, of Williamson county, and their successors in office shall be and they are hereby constituted a body corporate and politic, by the name and style of the Eagleville and Salem Turnpike Company, with the stock subscribed to said commissioners, and any additional stock that may be procured, and by that name and style may sue and be sued, plead and be impleaded in any of the courts of law or equity in the State.

SEC. 2. *Be it further enacted,* That said turnpike road shall commence at Salem and continue to Eagleville, as surveyed and marked out by the locators and may be extended west of Eagleville three miles, should the amount of

subscription justify it, and a branch turnpike may be made to Versailles if the three-fourths of the stockholders consent to the same.

SEC. 3. *Be it further enacted*, That said turnpike road shall be bedded twenty-seven feet wide, with sufficient bridges, ditches, and culverts, the first coat of stone to be eighteen feet wide, six inches deep, nine feet in the centre, may be of fine sprawled rock, the second coat of stone or gravel nine feet wide and six inches thick and four inches of dirt on the same, the stone of the last coat to be broken of the size not exceeding one half pound in weight, and the grade, of the road shall not exceed an angle of five degrees with the horizon.

SEC. 4. *Be it enacted*, That the stock shall be divided into shares of twenty-five dollars, and each share shall be entitled to one vote, the Board shall consist of five directors as heretofore, one of whom shall be President, another Secretary, and another Treasurer, three of whom shall constitute a quorum; the present Board of Directors shall hold their office one year from the 21st of July, 1859, and until others are elected in their places; the election of directors shall be held every two years after the present term expires; it shall be the duty of the President of said Board of Directors to give ten days' notice in writing at the most public place on the road, of the time and place of said election.

SEC. 5. *Be it enacted*, That as soon as five miles of the road from the five mile point on the Salem road, shall be completed, one gate may be erected, and for every additional five miles of the road when completed, an additional gate may be erected. The directors may place the gates at the points they may judge most suitable, not nearer than four miles of each other, and not nearer than one and a half miles of Eagleville, and should the branch road be made to Versailles, one gate may be erected five miles from the first gate on the main road.

SEC. 6. *Be it enacted*, That the company hereby incorporated may demand and collect at each gate the same tolls as the Salem Turnpike Company, and shall have all the powers and privileges and be subject to all the duties and liabilities of the Salem Turnpike Company.

SEC. 7. *Be it enacted*, That for the purpose of making and keeping the said road in repair, the directors or contractors may cut, dig, and quarry and take from the lands of any person within one mile of said road, such and so much rock, earth and gravel, as may be necessary for such purpose; and if any person or persons from whose lands such materials may be taken shall desire compensation therefor, he, she or they may apply to any Justice of the peace in

the county, who shall appoint three disinterested freeholders for the purpose of valuing such materials, and they shall grant a certificate upon oath to the injured party or parties, and the amount or amounts may be collected from said company before any tribunal having cognizance thereof.

SEC. 8. *Be it further enacted*, That Pleasant Walker, Horatio Claggett, Jr., P. M. Hornback, George W. Stanfill, T. P. Bateman, Wm. Grigsby, H. A. Shoule, J. P. Baird, S. J. George, James D. Easley, Stephen Worley, George Kennedy and such other persons as they may select, be and they are hereby appointed commissioners to open books and receive stock in shares of twenty-five dollars each, for the purpose of building a turnpike road to be called the Centreville and Columbia turnpike. Beginning at Centreville, in the county of Hickman and running the most convenient and practicable route, and intersecting the Columbia and Hampshire turnpike at some convenient point.

Centreville and
Columbia Turn-
pike.

SEC. 9. *Be it further enacted*, That when an amount of stock is subscribed which the commissioners may deem sufficient, then the stockholders may assemble and elect their appropriate officers who shall be a body politic and corporate, having all the powers and privileges, and be governed by the same rules and regulations not herein repealed, as are prescribed in article first, chapter second, of the Code of Tennessee.

SEC. 10. *Be it further enacted*, That Martin P. Irwin, A. M. Williams, James F. Aldenon, Aaron Vestall, Henderson Pigg, James M. Dockery, Sparkman Skelly and Aaron S. Godwin, be and they are hereby appointed commissioners to open books and receive subscriptions for stock in a turnpike road, which is hereby authorized to be built from Williamsport, in Maury county, Tennessee, by way of Santa Fe, to a point of intersection with the Columbia and Santa Fe road; that subscriptions for stock in said road may be received payable in labor, materials or any other mode agreed upon by the board of directors selected by the stockholders, that whenever the sum of three thousand dollars is subscribed to said commissioners, they shall call the stockholders together, who shall organize by the election of a Board of Directors, and when so organized, they shall be and are hereby constituted a body politic and corporate, by the name and style of the Williamsport and Santa Fe Turnpike Company, and as such shall be entitled to all the rights and privileges, and subject to all the limitations and restrictions contained in the act of the General Assembly of the State of Tennessee, passed February 7th, 1850, entitled, an act to authorize the formation of Turnpike Com-

Williamsport
and Santa Fe
Turnpike.

panies, and other acts amendatory thereto; that the commissioners herein appointed may open books for subscription at such times and places as they may choose, and have authority to determine the route of said road if they see proper.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, October 29, 1859.

CHAPTER 4.

AN ACT to incorporate an Orphan Asylum in or near the city of Nashville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That there shall be and hereby is established in or near the city of Nashville, an Asylum as a home for destitute orphan male children, and such other male children as may be neglected or deserted by their parents, to be known under the name and style of the Nashville Male Orphan Asylum.

Trustees.

SEC. 2. *Be it enacted,* That said Institution be under the control and management of seven Trustees, consisting of Mrs. Filecia G. Porter, Mrs. John Shelby, Mrs. Jacob McGavock, Mrs. Washington Cooper, Mrs. C. Stewart, Mrs. H. G. Scovill, Mrs. Micajah G. L. Claiborne, with power to fill any vacancy which may occur by death, resignation, or otherwise, who are hereby incorporated under the name and style aforesaid, with capacity to sue or be sued, to take by deed, gift, devise or bequest, or to purchase real or personal property and to build such buildings as are necessary and proper, and to do all things necessary and proper and lawful to be done for the well being of the Institution and the due management and well ordering of its affairs.

SEC. 3. *Be it enacted,* That said institution shall have power to receive and retain under its control all such poor children as may be brought to said Asylum for the purpose of being received into the same by the father of such children if living, if not, by the mother; also all such child or children as may be neglected or deserted by their parents or surviving parent, which shall be brought to them for said purpose, subject, nevertheless, in these last mentioned cases, to the approval of the County Court of Davidson county; and said children when so received, to detain, educate and

control, until proper persons can be found who are willing to receive them as apprentices to some useful art, trade, calling or employment, and thereupon said trustees, or a committee for that purpose, shall have power, under the control and approbation of the County Court aforesaid, to cause said child or children to be bound as apprentices as now prescribed by law. .

SEC. 4. *Be it enacted*, That Samuel Watkins, John Trimble, Washington Cooper, John M. Hill, Dr. Quintard, Lewis Lanier, Randall W. McGavock, Anthony Vanleer, Trustees. and M. Howard, be and shall constitute a board of Trustees for said institution, with power to fill any vacancy which may occur by death or otherwise.

W. C. WHITTHORNE,
Speaker of the House of Representatives. .

TAZ. W. NEWMAN.

Speaker of the Senate.

Passed, October 29, 1859.

CHAPTER 5.

AN ACT to incorporate the Gorgie Wright Female Institute, in McNairy county

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Alphonso Cross, W. K. Walsh, Milton H. Johnson, James Warren and W. C. Kendel, and their successors in office, be, and they are hereby incorporated, a body politic, under the name and style of the Gorgie Wright Female Institute, and may by that name and style have all the rights, powers, and privileges of an incorporation, and shall continue for ninety-nine years, and a common seal, and are hereby vested with all legal powers to buy, receive, possess, hold, and dispose of any property for the use and benefit of said institution, and may sue and be sued, and may commence and prosecute any legal process and have the same instituted against them in any Court of Record.

SEC. 2. *Be it enacted*, That the present Board of Trustees named in this act may be increased to any number not exceeding nine, and that any vacancy in said Board may be filled by the remaining members.

SEC. 3. *Be it enacted*, That three trustees shall constitute a quorum, and the said trustees shall have full power to establish such departments in the institution as may be use-

ful, and to elect such officers, professors or teachers as they may deem necessary to secure the object of the institution, and also, to make such by-laws and regulations as by them may be considered necessary: *Provided*, That the same be not inconsistent with the constitution of the United States, or of this State.

SEC. 4. *Be it enacted*, That no misnomer or misdescription of said corporation, in any deed, will or gift, grant, devise or other instrument of contract or conveyance, shall vitiate the same, but the same shall take effect in like manner as if the corporation were rightfully named: *Provided*, It be sufficiently described to ascertain the intent of the parties.

SEC. 5. *Be it enacted*, That the real and personal property of said institution be exempt from State and county tax.

SEC. 6. *Be it enacted*, That any amount not exceeding one hundred thousand dollars may be held by said institution; that ten dollars shall constitute one share in said fund, and every share be entitled to one vote for trustees.

SEC. 2. *Be it further enacted*, That this Act shall take effect and be in force from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN.

Speaker of the Senate.

Passed, October 29, 1859.

CHAPTER 6.

AN ACT to repeal the first section of an Act passed March 20th, 1858, entitled An Act to authorize the Register of the Land Office at Nashville to perform certain duties of the Secretary of State, and for other purposes.

Be it enacted by the General Assembly of the State of Tennessee, That the first section of an act passed March 20th, 1858, entitled An Act to authorize the Register of the Land office at Nashville to perform certain duties of the Secretary of State, and for other purposes, be and the same is hereby repealed.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, November 1, 1859.

CHAPTER 7.

AN ACT to transfer to the Nashville and Chattanooga Railroad Company a portion of the State aid granted to the Memphis and Charleston Railroad Company by an act passed 19th of March, 1858, chapter 150.

SECTION. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That of the State aid granted to the Memphis and Charleston Railroad Company by the act of the 19th of March, 1858, chapter 150, for the improvement of the railroad from Stevenson to Chattanooga, there be transferred to the Nashville and Chattanooga railroad company a sum not exceeding one hundred and fifty thousand dollars, to be applied exclusively to the payment for new track, new embankments, new masonry, new depot buildings, and new bridges, which may have been or may hereafter be made on the railroad between Stevenson and Chattanooga, subsequent to the date of the contract between said companies for the joint use of that part of the road.

SEC. 2. The Governor shall not issue the bonds of the State to said company until it shall be made satisfactorily to appear to him by the oath of the President or Vice-President of said company, and the report of the road Commissioner of the State, that subsequent to the date of said contract, the said Nashville and Chattanooga railroad company has executed work of the description aforesaid on that part of their road, to the amount of at least twenty thousand dollars, and then only for the amount actually done before the time of the application, and in like manner only shall subsequent issues of bonds be made by him, for similar additional work, the whole in no event to exceed the one hundred and fifty thousand dollars.

SEC. 3. This transfer shall be taken and considered as in lieu and extinguishment of the State aid granted to said Memphis and Charleston railroad company by said act of the 19th of March, 1858, chapter 150.

SEC. 4. For the payment of such bonds, and the interest and sinking fund thereon, the said Nashville and Chattanooga railroad company shall be liable, and their entire road and appurtenances be bound to the State in the same manner as railroads and railroad companies are bound under the General Internal Improvement laws of this State.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, November 4, 1859.

CHAPTER 8.

AN ACT to refund to Governor Isham G. Harris, money advanced to State Line Commissioners.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Comptroller issue his warrant on the Treasurer for two thousand dollars, to Isham G. Harris, being the amount that he borrowed of the Bank of Tennessee, for the purpose of enabling the State line Commissioners to carry on their work.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.
TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, November 5, 1859.

CHAPTER 9.

AN ACT to establish the Nonconnah Board of Levee Commissioners in Shelby county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That for the purpose of establishing a levee to reclaim from overflow the lands lying in Shelby county, Tennessee, on the Mississippi river, between Nonconnah Creek and the Mississippi and Tennessee State line, and a bayou called "cut off," and the Mississippi river, the following named individuals are hereby appointed a Board of Levee Commissioners, styled "Nonconnah Board of Levee Commissioners," with power to locate and build said levee, viz: Enoch Ensley, Sr., W. H. Hagans, Enoch Ensley, Jr., H. B. Hagans, W. P. Fleece, Samuel Bradford, Harold King, and William Persons.

SEC. 2. *Be it enacted*, That a majority of said Board of Commissioners shall decide as to the places of locating and manner of building said levee, provided it be located so as to include all the lands above mentioned, that it is practicable and expedient to include, without endangering the levee from angular turns, or too near proximity to the river.

SEC. 3. *Be it enacted*, That the beginning point for building said levee, shall be adjoining the hills outside the bounds mentioned in section 1, at a place deemed most advisable by a majority of said Board of Commissioners, near the

mouth of a creek called Cypress, or the head of the aforementioned bayou called "cut off," and to proceed thence to the Mississippi river, thence down the river to the Mississippi and Tennessee State line, or to any point short of the State line that a majority of said Board of Commissioners may think proper.

SEC. 4. *Be it enacted*, That the said Nonconnah Board of Levee Commissioners be empowered to make a contract or agreement with the Mississippi Board of Levee Commissioners, to extend the Mississippi State Levee into the State of Tennessee, and join the levee proposed to be made by the Nonconnah Board of Commissioners; and that the said Nonconnah Board of Commissioners be allowed to levy and collect a tax not exceeding ten cents per acre per annum, and for a time not exceeding ten years, and that they may apply the money arising from such tax for levee purposes deemed most advantageous by a majority of said Nonconnah Board of Commissioners.

SEC. 5. *Be it enacted*, That the owners of said lands shall have the privilege of paying the above mentioned tax in labor, towards the constructing of, or work upon said levee.

SEC. 6. *Be it enacted*, That if any person or persons shall wilfully and maliciously cut, break, or cause to be broken, or be found in the act of breaking, or attempting to break any levee or embankment in this State, during the time of high water, thereby causing a crevasse through which the water may flow and inundate the lands designed to be protected by such levee or embankment, shall be guilty of a felony, and shall, upon conviction thereof, undergo confinement in the penitentiary house of this State, for a period of not less than two nor more than fifteen years.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, November 7, 1859.

CHAPTER, 10.

AN ACT to incorporate the Adelprian Society of Murfreesboro, Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Joe Eaton, Maggie Bethell, Jinnie Bethell, Mittie Stewart, Fannie Pendleton, Lou Jamison, Minnie Haynes, Mollie Baxter, Lavinia Baxter,

Mary Lowe, Nannie Rushing, Addie Todd, Low Hamm, Sarah Naomi Northcut, Lama Butler, Mollie Watt, Lizzie Carter, Finnie Burton, Sue Russell, Low Hoskins, Jennie Haskins, Mollie Hillsman, Reed Williams, and Lucy Russell, their associates and successors, be, and they are hereby constituted a body politic and corporate, by the name of the "Adelphian Society," of Murfreesboro', Tennessee, for the purpose of diffusing moral and intellectual improvement, and of cultivating a correct literary taste among its members, with full power and authority to adopt such a constitution and by-laws as they may think proper for its government: *Provided*, The same do not conflict with the Constitution of the State of Tennessee, or with the Constitution of the United States.

SEC. 2. *Be it further enacted*, That the persons hereby incorporated may use a common seal, may sue and be sued, plead and be impleaded in any of the courts of law or equity in the State of Tennessee, make contracts, buy, hold and sell property, real and personal to the amount of twenty thousand dollars, and may exercise all the powers and privileges belonging to corporate bodies for the purpose of diffusing useful knowledge.

SEC. 3. *Be it enacted by the General Assembly of the State of Tennessee*, That the 2d section of the act to incorporate Stewart College, passed 22d February, 1856, be so amended as to authorize the synod of Nashville of the Presbyterian Church, to appoint fifteen additional trustees to Stewart College, situated in Clarksville, and the present Board of Trustees is authorized to appoint said additional fifteen trustees, until next meeting of the synod.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, November 8, 1859.

CHAPTER 11.

AN ACT to authorize the Chattanooga Savings Institution to remove their office to Memphis, Tennessee.

Be it enacted by the General Assembly of the State of Tennessee, That the Chattanooga Savings Institution be, and they are hereby authorized to remove their office to Memphis, Tennessee.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, November 15, 1859.

CHAPTER 12.

AN ACT to allow the Tax Collector of Maury county to appoint two Deputy Tax Collectors

Be it enacted by the General Assembly of the State of Tennessee, That the Tax Collector for Maury county be, and he is hereby authorized to appoint two deputy Tax Collectors for said county in the same manner he was authorized to appoint them prior to the passage of the Code; and that this Act take effect from and after its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives
 TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, November 17, 1859.

CHAPTER 13.

AN ACT to change the time of holding the Circuit Court for Robertson county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter the Circuit Courts for the county of Robertson shall be held on the first Mondays in February, June, and October, instead of the second Mondays of said months, for each and every year; and that the next term of said Court be held on the first Monday in February, 1860, and that all laws contrary to the provisions of this act be, and the same are hereby repealed.

SEC. 2. *Be it enacted*, That this Act take effect from and after the passage thereof.

W. C. WHITTHORNE,
Speaker of the House of Representatives.
 TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, November 17, 1859.

CHAPTER 14.

AN ACT to be entitled An Act to establish the Seventh Chancery Division of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the following counties shall con-

stitute the seventh Chancery Division of Tennessee, to wit: Overton, Jackson, Macon, Sumner, Robertson, Montgomery, Smith, and Stewart, and the Chancellor to be elected for said seventh Division shall have all the powers of a Circuit Judge, and shall hold the Circuit Courts for the county of Sumner.

Circuit Court of
Sumner county.

SEC. 2. *Be it further enacted*, That the Chancellor elected for said Chancery Division shall have the same powers and be entitled to the same emoluments as other Chancellors in this State; and the said Chancellor so to be elected for the seventh Division, shall hold the Circuit Court for the county of Sumner on the fourth Mondays in February, June, and October.

Time of holding
Court.

SEC. 3. *Be it further enacted*, That the Chancery Court in the seventh Chancery Division hereby established, shall be held at the following places and times, to wit: First Mondays of August and February, at Livingston, for Overton county; second Mondays of August and February, at Gainsborough, for Jackson county; first Fridays after the second Mondays of August and February, at Lafayette, for Macon county; third Mondays of August and February, at Carthage, for Smith county; first Mondays of September and second Mondays of March, at Gallatin, for Sumner county; first Mondays of June and December, at Springfield, for Robertson county; first Thursdays after the second Mondays of April and October, at Dover, for Stewart county; third Mondays of April and October, at Clarksville, for Montgomery county; said Chancellor shall hold the Circuit Court of Sumner county, at Gallatin, on the fourth Mondays of February, June, and October.

White County.

SEC. 4. *Be it further enacted*, That the county of White, which now forms a part of the second Chancery Division, be added to the third Chancery Division, and the Chancery courts of said county shall hereafter be held by the Chancellor for the third Division, on the second Mondays of April and October.

SEC. 5. *Be it further enacted*, That the Sheriffs of the several counties in this district shall open and hold an election at the several precincts in their counties for the Chancellor on the fourth Thursday in May, 1860, and said election shall be held according to the laws now regulating the election of the Judges and Chancellors of this State.

SEC. 6. *Be it further enacted*, That the Judge of the Criminal Court at Nashville, shall continue to open and hold the Circuit courts of Sumner, and the present Chancellor shall open and hold the Chancery courts as provided for by the laws now in force, until the due election and qualification of the Chancellor or Judge provided for in this act,

and the courts shall be held at times prescribed by the laws now in force, and not at the times provided in this act.

SEC. 7. *Be it further enacted*, That the sheriffs shall make their return of the election to the Secretary of the State in the same manner prescribed in the act of 5th of February, 1854, and the Secretary of State shall issue a certificate of election to the person having the highest number of votes as prescribed in said act.

SEC. 8. *Be it further enacted*, That any of the Chancellors of this State may interchange riding with the Chancellor of this district and the Circuit and Criminal Judges may interchange riding with the Chancellor and Circuit Judge in holding the Circuit courts of the county of Sumner. interchange.

SEC. 9. *Be it further enacted*, That this act shall take effect from and after its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.
TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, November 18, 1859.

CHAPTER 15.

AN ACT to incorporate the Forked Deer Navigation Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Isaac Bracken and such other person or persons as he shall associate with him, be and they are hereby constituted a body corporate and politic, by the name and style of "*The Forked Deer River Navigation Company*," and by such name may sue and be sued in all the courts of the State of Tennessee, may have and use a common seal, and have perpetual succession for twenty-five years, next from and after this first of January, 1860.

SEC. 2. That it shall be the duty of said company to remove all obstructions from the Forked Deer River, which may impede or in any way obstruct its navigation, where there is sufficient water for navigation, and that said company have two years from the first day of December, 1859, to remove said obstructions.

SEC. 3. That said company shall, by this act, be authorized and empowered to levy and collect the following tolls on all goods, wares, merchandize, groceries, produce, &c., shipped either up or down the Forked Deer River, to wit:

Tolls.

On timber, twenty cents per tier; on lumber, fifteen cents per thousand feet; on staves, forty cents per thousand; on horses, fifteen cents per head; on cattle, fifteen cents per head; on sheep and hogs, seven cents per head; on salt, five cents per sack; and all other freights or produce transported either up or down said river, seventy cents per ton: *Provided*, Said company shall not collect any such tolls until they shall have removed all obstructions from said river.

SEC. 4. That said company shall be entitled to the possession and use of all chains, anchors, hooks, rods, irons, booms, &c., now in said river, which have been placed there by the Commissioners heretofore appointed to superintend the navigation of the said Forked Deer River.

River Commissioners.

SEC. 5. *And be it further enacted*, That B. T. Porter and W. P. Pillow of the county of Lauderdale, and A. P. Pierce, of the county of Dyer, be appointed River Commissioners, whose duty it shall be to receive all moneys now in the hands of the Forked Deer River Commissioners, and apply the same to the clearing out of the last channel of Forked Deer River in Lauderdale county. That said Commissioners shall act under oath, and shall receive two dollars each per day for their services, and said last channel of Forked Deer River, when so cleared out, shall be free from any toll or charge for the navigation thereof.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, November 29, 1859.

CHAPTER 16.

AN ACT to be entitled An Act to give further time to the President and Directors of the Cincinnati, Cumberland Gap and Charleston Railroad to complete the first section of said Road.

Be it enacted by the General Assembly of the State of Tennessee, That the President and Directors of the Cincinnati, Cumberland Gap and Charleston Railroad be, and they are hereby allowed the further time of two years to complete the first section of said road.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, November 30, 1859.

CHAPTER 17.

AN ACT to incorporate the German Evangelical Lutheran Trinity Congregation of the Unaltered Augsburgian Confession, at Memphis.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Geo. M. Gotsch, William Ringwald, Herman Glindkamp, Charles Toensmaun, Wm. Benjes, Nicholas Frech, William C. Werner, Henry Bocka and John Jahuke and their successors in office, be and they are hereby constituted a body politic and corporate by the name and style of the German Evangelical Lutheran Trinity Congregation of the Unaltered Augsburgian Confession, at Memphis, with power to sue and be sued, to plead and be impleaded, answer and be answered unto, in all kinds of suits and actions, and to do all other acts and things which bodies corporate, of a similar character, may lawfully do ; to have and use a common seal ; to make all by-laws, rules and regulations necessary for their own government ; to choose their own officers and remove the same in such manner, and at such time as the board may prescribe ; to fill vacancies occasioned by death, resignation, removal or expulsion ; to prescribe the mode in which their successors shall be chosen ; and do such other acts and things as may be necessary and proper to the company to carry out the objects of this corporation : *Provided*, None of their by-laws, rules and regulations be inconsistent with the laws or Constitution of the State of Tennessee.

SEC. 2. *Be it further enacted*, That said corporation shall have power to receive by gift, donation or purchase, by will or deed, and to hold personal, real and mixed property, and to sell, exchange, mortgage, convey in trust or otherwise dispose of the same as the said trustees may deem advisable for interest of said corporation.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, December 2, 1859.

CHAPTER 18.

AN ACT to incorporate the town of Chestnut Mound ; the town of Salisbury ; to amend the charter of the town of Livingston ; to incorporate Ashland City, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the citizens in and about the village of Chestnut Mound, in Smith county, Tennessee. included in the following boundaries, to wit : beginning on a chestnut tree near the northwest corner of the old grave yard and including the same ; thence east so as to include the spring and the residence of Robert Knight ; thence south about four hundred yards to a stake ; thence west to the top of the hill near M. E. Smith's, on the Lebanon pike, so as to include the late residence of J. M. Williams ; thence northwestwardly to a stake at the top of the ridge near where the Carthage and Gallatin pike leaves same ; thence north to the beginning ; be and they are hereby incorporated and constituted a body politic, under the name and style of the town of Chestnut Mound, and invested with all general rights, privileges and powers that other municipal corporations in this State are entitled to ; that they may elect a mayor and twelve aldermen, who shall pass such rules and ordinances as they may deem expedient, not inconsistent with the general laws of corporations ; and they may also elect one justice of the peace and one constable for said town, with the said rights and official powers and authorities of other officers of the kind ; they shall hold said offices for the same period of time that other justices and constables in the State hold theirs, and they shall be elected by the qualified voters within the said corporation. The said corporation shall have the right of succession for ninety-nine years, and may trade, transfer and convey all kinds of property, and buy the same like individuals, and be subject to the same laws of contracts as govern private individuals.

Town of Chest-
nut Mound,

SEC. 2. *Be it enacted*, That this act shall take effect from the date of its passage.

SEC. 3. *Be it further enacted*, That the town of Salisbury, in the county of Hardeman, and the inhabitants thereof, are hereby incorporated by the name and style of the Mayor and Aldermen of the town of Salisbury, and by that name and style shall have perpetual succession ; may have and use a common seal, and by the name and style aforesaid sue and be sued,*plead and be impleaded, may have, receive, purchase and hold property, real or personal, and may grant, sell or dispose of the same for the use and benefit of the said town.

Salisbury

SEC. 4. *Be it enacted*, That the corporation aforesaid shall have full power to enact by-laws for their own government, not in conflict with the Constitution and laws of this State or of the United States.

SEC. 5. *Be it enacted*, That the constable of the 1st civil district in said county, shall, after giving ten days' notice by advertisement, open and hold an election on the first Saturday in August next, for seven aldermen, who shall hold their offices for twelve months, and until their successors shall be elected and qualified, and all elections thereafter, for aldermen for said corporation, shall be held by said constable of the said first district, on the first Saturday in August of each year. All persons living within the bounds of said town who are qualified to vote for members of the General Assembly, as well as persons owning real estate in said corporation who are qualified voters in this State, shall be entitled to vote for mayor and aldermen. Elections.
The constable holding said election shall appoint three persons to be judges and clerks of said election; the polls shall be at opened 11 o'clock, A. M., and be closed at 4 P. M., the judges shall certify to the seven persons receiving the highest numbers, of their election. The persons so elected shall meet in said town on the following Thursday after their election and take an oath of office and elect one of their body mayor.

SEC. 6. *Be it enacted*, That the mayor and aldermen shall have power to fill all vacancies in the board for the unexpired time of such vacancy.

SEC. 7. *Be it enacted*, That there shall be a town constable elected by the mayor and aldermen, who shall take an oath to faithfully execute the laws of said corporation, and who shall hold his office twelve months from the date of his election, and until his successor is elected and qualified; he shall give a bond to the mayor, and approved by him, to faithfully execute his office; said constable shall have power to execute all State warrants for a violation of the criminal laws of the State of Tennessee, as well as to execute all warrants for the violation of the ordinances or charter of said town; he shall have power to summon witnesses, &c. Town Constable.

SEC. 8. There shall be a recorder elected by the mayor and aldermen who shall hold his office at the pleasure of the board.

SEC. 9. *Be it enacted*, That the mayor and aldermen of said town shall have power by ordinance, as follows:

1. To levy and collect taxes upon all property taxable by the laws of this State within the limits of said corporation.

2. To levy and collect taxes upon all privileges and polls taxable by the laws of this State.

Powers of the Board.

3. To appropriate money and provide for the payments of the debts and expenses of the town.

4. To prevent and remove nuisances.

5. To open, alter, abolish, widen, extend, establish, grade, pave or otherwise improve and keep in repair the streets, alleys and side-walks, or to have the same done.

6. To establish, support and regulate a night watch and patrol.

7. To provide for enclosing, improving and regulating all grounds belonging to the town in or out of its corporate limits.

8. To license, tax and regulate auctioneers, grocers, merchants, retailers, confectioners, &c.

9. To license and tax shows, exhibitions, and amusements.

10. To regulate or prohibit and suppress all disorderly houses.

11. To impose fines, and forfeitures, and penalties for breach of any ordinance, to provide for arrest and confinement until trial of all riotous and disorderly persons within the town, by day or by night.

12. To prevent and punish by pecuniary penalties, all breaches of the peace, noise, disturbances, or disorderly assemblages in the town.

13. To prevent and remove all encroachments into and upon all streets, lanes and alleys established by law, or the ordinance of said corporation.

14. To pass all ordinances not contrary to the Constitution of the State, that may be necessary to carry out the full intent and meaning of this act.

SEC. 10. *Be it enacted*, That said town of Salisbury shall be allowed a justice of the peace, who shall reside within the corporate limits of said town, and be elected by the qualified voters thereof, and be clothed with the same powers as other justices have.

SEC. 11. *Be it enacted*, That this act take effect from and after its passage, and that the constable in the first civil district in the county aforesaid is hereby authorized to open and hold an election, in the manner provided for by the third section of this act, for seven aldermen who shall hold their offices until the first Saturday in August next, and until their successors shall have been elected and qualified, and if the said constable of the first civil district as aforesaid, shall fail to hold an election as provided for by the third section of this act, on the first Saturday in August next, or each year thereafter, then it may be lawful for said constable to hold said election at any time thereafter in the same manner as required by this act.

SECTION 12. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter the boundaries of the town of Livingston shall be as follows, to wit: Beginning on an oak on the side of the Jamestown and Livingston road, about fifty yards east of the blacksmith shop erected and occupied once by John Richardson, Sr., now occupied by J. E. C. Buck; thence north to the road leading from widow Goodpasture's to Overton Academy, north of R. M. Armstrong's residence; thence with said road to where the same intersects the road leading from Livingston, to widow Reed's; then a west course so as to include the residences of John Hart and A. A. Swope, to the road leading from Livingston to Robert Savage's by the house where John Kennedy died; thence southwest to Draper's spring, so as to include said Kennedy's place, and where John Kaughman now lives; then from Draper's spring south to an oak at the foot of the spur of the mountain; thence east with the meanders of the foot of the spur of the mountain, to an oak directly south of the beginning; thence north to the beginning.

Town of Livingston.

SEC. 13. *Be it further enacted*, That the corporation shall have full power and authority to enact and pass such laws and ordinances as are necessary to preserve the health of the inhabitants of said town; prevent and remove nuisances; to establish night watch and patrols; to ascertain when necessary, the boundaries and location of streets, lots and alleys; to restrain and prohibit gaming; to provide for licensing and regulating theatrical and other public exhibitions of shows and sleight of hand, within the limits of said town; to regulate, restrain and suppress tippling houses, disorderly houses, riots, drunkenness, affrays, profane language, lewd conduct, or obscene language or behavior, to levy and collect taxes upon all such property and privileges as are taxable by the laws of this State; to appoint a recorder and town constable, to appoint and organize fire companies, and to pass such laws and ordinances as may be necessary to guard against fire; to impose and appropriate fines and forfeitures for the breach of their by-laws and ordinances; to provide for grading, graveling and paving streets, alleys and side-walks, the removal of obstructions, and suppress all disorderly conduct whereby the citizens of the town shall be disturbed, or their safety endangered, and to pass all laws and ordinances necessary to carry the intent and meaning of this act into effect: *Provided* they are not incompatible with the Constitution and laws of this State.

SEC. 14. The Justices of the Peace of Overton county, shall have jurisdiction of all offences against the laws and ordinances of the corporation of the town of Livingston, which are or shall be made punishable by fine by such laws and

ordinances ; they shall have power to issue all necessary and proper original *mesne*, and final process, and to render judgments in all cases over which by this act they are given jurisdiction, and such process shall have the same power and efficiency in the hands of the sheriff or any constable as similar process issued by Justices of the Peace, and such process shall extend to the limits of the county, and all executions issued by the Justices of the Peace shall be returnable to their offices within thirty days from the date of the issuance, and be regulated in all respect by the same laws in reference to executions now issued by them ; they shall have power to issue subpoenas for witnesses as in other cases subject to same penalties and forfeitures ; they shall have power and authority to issue all necessary and proper process for the arrest of any person or persons, charged in the manner hereinafter specified, of a violation of any of the laws and ordinances of said corporation, which is made punishable by fine, the Justice of the Peace shall for any violation of the laws and ordinances, and whenever such person or persons so offending shall be brought before them and convicted of such offences, enter a fine against him or them of not less than one or more than fifty dollars, and if such person or persons shall not pay said fine and costs or secure the same to be paid within a reasonable time, the said Justices of the Peace shall have power and authority to order such person or persons to be confined in the jail of Overton county, until said fine and costs are paid or secured to be paid, and may order such person or persons to remain in the custody of the officer having him or them in charge during such reasonable time after conviction and before committing him or them to said jail : *Provided*, They shall not have power and authority to order any person or persons to be confined in said jail for a longer space of time than five consecutive days ; all penalties and forfeitures may be recovered by action of debt before any Justice of the Peace of the county, and no Justice residing in the limits of said town shall be disqualified to preside in such cases by reason of any interest he may have in said suit or suits on account of his being a resident of said town.

SEC. 15. That it shall be the duty of the jailor of said county to receive and keep in jail, any person who may be committed by said Justices of the Peace, to his charge under the power granted by this act, and all disorderly and riotous persons committed to his charge in night time by said town constable, until they be released, for which he shall receive the same fees as in other cases of imprisonment.

SEC. 16. That when any taxes are or may become due on any real estate, whether the same be by lot or lots or

not, which has been or may be levied by the mayor and aldermen of said town agreeably to this act, and the original charter of incorporation and there is no personal property from which the taxes can be made, the collector of said taxes shall make report of the same, certified by the mayor and recorder to be correct; which report shall be returned to the Circuit Court of Overton county, who shall proceed to enter up judgment of condemnation and direct an order of sale to issue in the same manner as is provided by law for the State and county taxes.

SEC. 17. *Be it enacted*, That the town constable of the town of Livingston, or such person as the mayor and aldermen of said corporation may elect, shall be the collector of the taxes of said corporation.

SEC. 18. *Be it further enacted by the General Assembly of the State of Tennessee*, That the citizens of the town of Ashland City, in Cheatham county, are hereby incorporated by the name of the Mayor and Aldermen of Ashland City, may sue and be sued, contract and be contracted with, hold real and personal property, assess taxes to improve the streets and public squares, and pass all ordinances necessary for the benefit and good order of the town.

Ashland City.

SEC. 19. *Be it further enacted*, That there shall be elected by the qualified voters of said town, a mayor and six aldermen, who shall hold their offices for twelve months, and until others are elected; and it shall be the duty of the sheriff of said county to advertise and hold the first election; that the said Board of Mayor and Aldermen may appoint a constable to execute all corporation business as may be necessary, and after the first election, shall thereafter hold the elections as provided in this act, give security in any sum that may be designated by the board for the performance of his duty.

SEC. 20. *Be it further enacted*, That five of the aldermen shall constitute a Board to perform all business; they shall keep a record of the proceedings, and shall have power to make all by-laws and ordinances necessary for the good order of said town, not inconsistent with the laws of the State; and that this act take effect from and after its passage.

SEC. 21. *Be it further enacted*, That the first, second and third sections of an act passed at the last session of the Legislature, entitled, an Act to establish a Mayor's Court at Shelbyville, and for other purposes, be and the same is hereby repealed, and that this section take effect from and after its passage.

Shelbyville.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

CHAPTER 19.

AN ACT to give the Wolf River and Kentucky Turnpike Company in Fentress county further time to complete their road.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Wolf River and Kentucky Turnpike Company and their successors, in Fentress county, from the ford of Wolf river near Crockett's old stand to the Kentucky line, as described in an act passed the 28th of January, 1854, chapter —, have the further time of two years from the 16th day of February 1860, to complete their turnpike road.

SEC. 2. *Be it further enacted*, That said act of the 28th of January, 1854, section 2d, be so amended that said company shall not be required to open said road but eighteen feet wide clear of timber.

SEC. 3 That this act shall take effect from and after its passage.

Persons exempt
from toll.

SEC. 4. That section 3d of said charter be so amended that all persons living in Fentress county, and all persons going to and from any of the stores in Fentress county for the purpose of trading with the merchants, shall be exempt from paying toll on said road.

Shelbyville and
Fishingford
Turnpike Co.

SEC. 5. *Be it further enacted*, That there shall be and hereby is created a turnpike company by the name and style of the Shelbyville and Fishingford Turnpike Company, who shall be authorized to build a McAdamized turnpike road from Shelbyville, Bedford county, to the Fishingford, Marshall county, by way of the bridge across Duck river, at what was known as Warner's Ford.

SEC. 6. *Be it further enacted*, That the capital stock of said company shall be not exceeding fifty thousand dollars divided into shares of twenty-five dollars; that Wm. Galbreath, Alexander Saunders, Lewis Tillman, and Phillip Haily, of Bedford county, and John B. Wilhoit, Redding James, and Richard Warrener, Sr., of Marshall county, be appointed commissioners to open books and receive subscriptions for the capital stock of said company in such manner and at such times and places as a majority of them may agree upon, and they may appoint any agent or agents for that purpose, and when as much as seven thousand dollars may be subscribed, said company may organize.

SEC. 7. *Be it further enacted*, That said turnpike company shall, in all things so far as applicable, be governed by the provisions of the Branch Turnpike Company, and shall have all the rights, privileges and immunities of said Branch Turnpike Company, and subject to all restrictions,

liabilities and exemptions of the said Branch Turnpike Company, so far as they are not altered by the provisions of this act.

SEC. 8. *Be it further enacted*, That whenever five miles of said road are completed, they shall have the privilege of erecting a gate on the same for the collection of tolls, and so on until the whole road shall be completed; and when said road shall be completed, they may erect four gates on the same as equally distant from each other, as the convenience of localities and circumstances of the road and country will permit: *Provided*, That if stock enough is not taken to build the road to the Fishingford from Shelbyville, it may stop at or near Rich Creek camp-ground, and in that event, the said company shall only have three gates: *And provided further*, That if said company only build their road to Rich Creek camp-ground, the stock taken by the citizens of Marshall county shall not be used in constructing said road without their consent.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, December 3, 1859.

CHAPTER 20.

AN ACT for the benefit of the Louisville and Nashville and Edgefield and Kentucky Railroad Companies, and for other companies.

WHEREAS, By the 9th, 10th and 11th sections of an act passed by the General Assembly of the State of Tennessee, passed on the 15th day of December, 1855, full and complete powers were thereby given to the Louisville and Nashville Railroad Company, to the Edgefield and Kentucky Railroad Company, and to any and all railroad companies then chartered, or which might thereafter be chartered by the State of Tennessee, to unite upon such terms as might be agreed upon in the construction of a common bridge across the Cumberland river, and the erection of any buildings and fixtures useful for the convenient transfer of passengers and freight from one road to another; and whereas, said bridge was to be built exclusively from means appropriated or to be appropriated to that object, and that the thirty miles, or the section next Nashville was to include said bridge only on the condition of adequate means being furnished for that object; and whereas, by the 11th sec. of said act the sum of two hundred

thousand dollars was appropriated to be applied to the erection of said bridge; and whereas, said bridge has been erected and is now in use at a cost, thus far, of two hundred and eleven thousand eight hundred and sixteen dollars, being an excess of eleven thousand eight hundred and sixteen dollars over the amount appropriated and which the two companies now owe; and whereas, to protect and thoroughly secure said bridge in all respects, it will require an expenditure of at least twenty-eight thousand dollars more; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the sum of twenty-eight thousand dollars is hereby appropriated for the purpose of paying the said sum of eleven thousand eight hundred and sixteen dollars so expended, and also to complete the remaining work necessary on said bridge, and for which the Governor of the State is hereby authorized and required to issue twenty-eight coupon bonds of the State of a thousand dollars each, at thirty years, to any authorized agent of said companies, upon proof of the amount expended by said companies: *Provided*, The sum hereby appropriated is to be applied alone to the paying for and erection and completion of said bridge.

SEC. 2. *Be it further enacted*, That the companies authorized to receive bonds under the provisions of this act be and they are hereby bound by all the restrictions of the act of February 11th, 1852, and acts amendatory thereto granting State aid by the State.

SEC. 3. *Be it further enacted*, That this Act shall take effect and be in force from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, December 3, 1859.

CHAPTER 21.

AN ACT to amend the charter of the Memphis, Clarksville and Louisville Railroad Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Memphis, Clarksville and Louisville Railroad Company is hereby authorized to draw

the State aid heretofore appropriated to aid said company to construct a bridge across the Tennessee river, where the line of said road crosses the river, whenever said company shall show their ability in accordance with the General Improvement law of this State and the laws amendatory thereof, to prepare their road bed to the river at the site of said bridge: *Provided, however,* That they shall not be allowed to draw more than the amount heretofore appropriated and in accordance with the act appropriating the same, except as above provided.

SEC. 2. *Be it further enacted,* That the Central Southern Railroad Company be, and they are hereby authorized to demand and receive of the Governor of the State of Tennessee, the bonds of the State of Tennessee at the rate of ten thousand dollars per mile upon their road finished and completed, or to be finished and completed, whenever it shall appear to the Governor of the State of Tennessee, from the report of the Commissioner of Roads, that said company have finished, completed, ironed, and equipped thirty-five and three-fourth miles of their road, and that the whole of the remaining eleven and three-fourth miles of their road are finished or under contract for completion, and that the company have solvent stock sufficient and are able beyond doubt to complete the said remaining eleven and three-fourth miles of their road, the intent and meaning of this act being that upon said report of the Commissioner, said company shall be authorized to receive ten thousand dollars per mile State aid, in addition to bridge aid, and no more, to be used and employed by them as other roads are now authorized by law to do under act of March 17th, 1858, and that all laws in conflict herewith, are hereby repealed.

Central Southern
Railroad.

SEC. 3. *Be it further enacted,* That the first section of an act passed February 11th, 1852, entitled An Act to establish a system of Internal Improvements in this State, and subsequent acts extending the provisions of said act to the Cincinnati, Cumberland Gap and Charleston Railroad Company, be so amended that whenever said railroad company shall have graded, and shall have ready to put down the necessary timbers for the reception of rails as is contemplated in said acts, from Morristown to the French Broad river, and whenever stock is subscribed sufficient to grade the whole line of said road from Morristown to Paint Rock, at the North Carolina line, it shall be the duty of the Governor to issue bonds of the State to the company as required in said acts: *Provided,* Nothing in this act shall in any event be construed as extending any additional State aid

Cincinnati, Cum-
berland Gap and
Charleston Rail-
road Company.

to said company further than has been extended to it by previous acts of the General Assembly of the State.

SEC. 4. *Be it further enacted*, That this act shall take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, December 3, 1859.

CHAPTER 22.

AN ACT to incorporate the United Synod of the Presbyterian Church in the United States of America.

WHEREAS, Certain citizens of the United States, formerly in connection with the General Assembly of the Presbyterian Church of the United States of America, under constraint by convictions of duty to themselves, to the Church of Christ, and to their entire country, withdrew from said General Assembly, because of the action of said General Assembly on the subject of slavery; and whereas, the representatives of certain Presbyteries, withdrawn from all connection with said General Assembly as aforesaid, having convened at Knoxville in the State of Tennessee, on the 1st day of April, A. D. 1858, and then and there formed an ecclesiastical judicatory, by the name of the United Synod of the Presbyterian Church in the United States of America; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That W. R. Caswell, P. Dickinson, of Knoxville, Wm. Wallace, of Maryville, Wm. M. Stokely, of Madisonville, and John A. McKinney, of Rogersville, Trustees of said United Synod, and their successors, be, and they are hereby declared to be a body politic and corporate by the name of the "United Synod of the Presbyterian Church in the United States of America," and shall have perpetual succession; said United Synod shall consist of commissioners, delegates, or representatives, appointed from time to time by the several Presbyteries now in connection with said United Synod, and which may hereafter become connected with said United Synod, and of the officers of said United Synod; said United Synod may sue and be sued; plead and be impleaded; have a common seal; make, ordain, execute, amend, add to, alter, repeal or annul laws and regulations for their government;

may receive and hold by purchase, gift, devise or bequest, and sell and convey real and personal estate; said United Synod shall have and may exercise all the rights, powers, authority, privileges and immunities possessed, exercised or enjoyed by the "General Assembly of the Presbyterian Church in the United States," and said United Synod shall have and may exercise all the rights, powers, authority, privileges and immunities recognized by the constitution in the Presbyterian Church in the United States of America, including the Westminster Confession of Faith, adopted by said United Synod as the system of faith taught in the Holy Scriptures, and including the form of government, the directory for the worship of God, and general rules for judicatories, adopted by said United Synod; said United Synod may remove said Trustees, or either of them, and when a vacancy occurs by death, removal or resignation of said Trustees, or either of them, such vacancy may be filled by said United Synod at any session thereof; but a failure to fill such vacancy shall not operate as a forfeiture, of any of the rights, powers, privileges, &c., herein granted.

SEC. 2. *Be it further enacted*, That the amendment passed at the present session to the second section of the act incorporating Stewart College, shall take effect from and after this date.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, December 3, 1859.

CHAPTER 23.

AN ACT to charter the Eagleville and Chapel Hill Turnpike Company; to amend the charter of the Nashville, Murfreesboro' and Shelbyville Turnpike Company; to amend the charter of the Shelbyville, Farmington and Lewisburg Turnpike Company; to incorporate the Elkton Branch Turnpike Company; to incorporate the Hartsville Turnpike Company; to incorporate the Pinewood Turnpike Company, and to amend the charter of the Pulaski and Pisgah Turnpike Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That E. B. Kelly, John H. Floyd, Joseph McPeak, Chesley Williams, of Williamson county, William A. McCord, Allen N. McCord, H. B. Terry, M. R. Hughes, P. D. Whitaker, Presley Jones, Ralph Stegall, Whitmil Ranson, Jason B. Shuffield, J. A. Shuffield, J. W.

Shuffield, J. D. Ezell, C. McCord, E. T. Williams, D. V. Chrismon, J. B. Fulton, J. H. Robinson, J. T. Street, Jas. Patterson, Jas. M. Wilson, Jas. A. Wilson, W. Mullikin, T. J. May, W. Braden, John Wilhoit, — Robinson, P. C. H. Miller, of Marshall county, be, and they are hereby appointed Commissioners to open books at any time and place they may choose for the subscription of stock to be used in constructing a McAdamized turnpike road, commencing on the Eagleville, Unionville and Shelbyville turnpike, near E. B. Kelley's, in Williamson county, and running to Chapel Hill, or to the bridge at the Fishingford on Duck river, and may be extended to Farmington, in Marshall county, Tennessee.

SEC. 2. *Be it further enacted*, That stock shall be divided into shares of twenty-five dollars; each share shall entitle the holder to one vote; and as soon as twelve thousand dollars of stock in said road is subscribed for in cash or labor, any five or more of said Commissioners shall call a meeting of the stockholders of said company at Chapel Hill, in Marshall county, by giving twenty days' written notice at the most public places of the time and place of said meeting; and at such meeting the stockholders shall elect five Commissioners, whose duty it shall be to mark out and survey said road; and shall elect five Directors, one of whom shall be President, another Secretary, and another Treasurer, three of whom may constitute a quorum. The Directors shall hold their office for two years, and until others are elected in their place, and it shall be the duty of the President of said road to give ten days' notice in writing of the time and place of said election.

SEC. 3. *Be it enacted*, That the president and directors of said company, and their successors in office, shall be, and they are hereby made a body politic and corporate; may sue and be sued; plead and be impleaded, by the name and style of the Eagleville and Chapel Hill Turnpike Company; and said company may demand and collect at each gate the same tolls as the Eagleville and Salem Turnpike Company, and shall have all the powers and privileges, and be subject to all the duties and liabilities of the Eagleville and Salem Turnpike Company.

SEC. 4. *Be it enacted*, That said McAdamized turnpike road shall be bedded twenty-four feet wide, with sufficient ditches, culverts and bridges; the first coat of stone sixteen feet wide and six inches thick, nine feet in the centre of which may be made with fine sprawled stone; the second coat of stone or gravel, nine feet wide and six inches thick; the stones of the last coat to be broken of the size not exceeding one-half pound in weight, and the grade of the

road shall not exceed five degrees with the horizon. If sufficient stock is subscribed, the directors may have the first coat of stone eighteen feet wide, and finished as above.

SEC. 5. *Be it enacted*, That as soon as five miles of said road is completed, one gate may be erected, and for every additional five miles of the road when completed, an additional gate may be erected; the directors may place the gates at the places they may think most suitable, not nearer than four miles of each other. Gates.

SEC. 6. *Be it enacted*, That for the purpose of making and keeping said road in repair, the directors may cut, dig and quarry, and take from the lands of any person within one mile of said road, such and so much rock, earth or gravel as may be necessary for said purposes; and if any person or persons from whose lands such materials may be taken shall desire compensation therefor, he, she or they may apply to any Justice of the Peace in the county, who shall appoint three disinterested freeholders for the purpose of valuing such stone or gravel, and they shall grant a certificate upon oath to the injured party or parties, and the amount or amounts may be collected from said company before any tribunal having cognizance thereof.

SEC. 7. *Be it enacted*, That the president and directors shall have power to make contracts for building and constructing said road, and may from time to time require such advances upon the stock subscribed as the wants of the company may require: *Provided*, No call shall be made for more than five dollars on the share at any one time, and not oftener than once in six months.

SEC. 8. *Be it enacted*, That the branch road from the Eagleville and Salem Turnpike to Versailles may be bedded and graded twenty-four feet wide; first coat of stone sixteen feet wide, and six inches thick; second coat of stone or gravel to be nine feet wide and six inches thick, with four inches of earth, and to be made in the same manner and style as the main road, except the width. Eagleville and
Salem Turnpike.

SEC. 9. *Be it further enacted*, That the Nashville, Murfreesboro' and Shelbyville Turnpike Company shall have power to remove the tenth gate on their road to such point as the president and directors may agree upon, south of the place where it now is, and to sell the lands where it is now located and purchase other lands suitable for its location: *Provided*, It shall be located at such distance in regard to other gates as is prescribed in the original charter. Nashville, Mur-
freesboro' and
Shelbyville
Turnpike Co.

SEC. 10. *Be it further enacted*, That the charter of the Shelbyville, Farmington and Lewisburg Turnpike Company be so amended that the board of directors shall be five in- Shelbyville,
Farmington and
Lewisburg Turn-
pike Company.

SEC. 21. *Be it enacted*, That when the stockholders are assembled as aforesaid, or when called together by the directors, a majority of shares being represented, they may decide upon any matter of interest to the company, and the directors shall carry the same into effect.

SEC. 22. *Be it enacted*, That the directors shall call a meeting of the stockholders whenever, in their opinion, the interests of the company requires it, and a majority of shares being represented shall constitute a quorum of stockholders.

SEC. 23. *Be it enacted*, That a majority of the board of directors shall constitute a quorum, but in appropriating money to pay contracts or make purchases, two-thirds of the board must agree to the appropriation.

Engineer to be
employed.

SEC. 24. *Be it enacted*, That the first board of directors shall proceed to procure a sufficiency of stock to complete the road to Puryear's Ferry, and they or their successors may procure stock to intersect the Lowe's Ferry Turnpike as early as possible; they shall have the road surveyed and located, and put under contract, to be built under supervision and direction of an agent or engineer, whose business it shall be to see that it is built strictly in accordance with requirements of the charter, and his directions as to grade, number and size of culverts, depth of ditches, shall be implicitly obeyed by road builders before their contracts shall be received by the board of directors.

SEC. 25. *Be it enacted*, That if any stockholder shall fail or refuse to pay up any of the calls on his stock subscription, his stock may be sold by order of the directors, for the call or calls that may be due, and the purchaser shall have all the rights and be subject to all the liabilities of the original owner; if it does not bring the amount, the original owner shall be liable to suit for the balance, and it shall be the duty of the president of the board to institute suit for the same under penalty of being liable for the balance himself, unless ordered by the board not to bring suit.

SEC. 26. *Be it enacted*, That any person over whose land the road may run, may petition the Circuit Court, whereupon the Court shall order the sheriff to summon a jury of five freeholders to assess the damage, taking into consideration the benefits the petitioner will receive from the road, and upon return of the report to the Court, if confirmed, judgment shall be given for the same.

SEC. 27. *Be it enacted*, That timber, gravel, rock, earth, or anything necessary for the building or repairing of said road, may be taken from any place adjacent to said

SEC. 16. *Be it enacted*, That if the length of the Elkton Branch Turnpike, when completed, shall be less than five miles, the president and directors of this company shall have power to erect at least one gate and fix the rates of toll for passing such gate: *Provided*, That the maximum rate of toll in no instance is greater than that allowed the Cornersville and Lewisburg Turnpike Company.

SEC. 17. *Be it enacted*, That James D. Bennett, James Puryear, James A. Andrews, Hudson C. Ellis, and James S. Dyer be, and they are hereby appointed to open books for the purpose of raising subscriptions for building a turnpike road from the Hart's Ferry road, near Winslow Hart's, to James Puryear's Ferry, on Cumberland river; thence to intersect the Lowe's Ferry Turnpike at such place as may be designated by a majority of the Commissioners.

SEC. 18. *Be it enacted*, That as soon as four thousand dollars shall have been subscribed, payable in cash, stock or road building, said Commissioners shall call a meeting of the subscribers at Hartsville, by giving ten days' notice at Hartsville and Puryear's Ferry, or at any designated time, by serving a written notice on each subscriber; and the same subscribers shall then, or at some subsequent time appointed by them, elect a board of three directors, who shall be stockholders, and who shall select such officers, agents and servants of the company as they may think necessary. Each share of twenty-five dollars shall entitle the holder to cast as many votes as he has shares. Stockholders may vote by written proxy.

SEC. 19. *Be it enacted*, That said subscribers for stock, when thus organized, shall constitute a body corporate, by the name of the Hartsville Turnpike Company, and by that name sue and be sued, contract and be contracted with, and make all rules and necessary regulations for the completion of said road, and for the successful operation of said company.

Hartsville Turnpike Company.

SEC. 20. *Be it enacted*, That the directory first elected shall continue in office two years from the time of election, when another election shall take place, of which the secretary of the board shall give ten days' notice by publishing at Hartsville, Puryear's Ferry, and any other public places designated by the board, which board shall have a president of their own body, a secretary and treasurer, who shall be stockholders or members of the board; the election for directors shall be biennial, but should there be at any time a failure to elect, the old board shall continue in office till their successors are duly elected, which may be done by giving notice as above specified.

SEC. 33. *Be it enacted*, That the company shall keep said road in good repair, or be subject to the fines and penalties in such cases made and provided by the present laws.

Hartsville and
Mills Turnpike
Company.

SEC. 34. *Be it further enacted*, That the Hartsville and Mills Turnpike Company are hereby incorporated, with all the powers, privileges, rights, and liabilities of the act incorporating the Hartsville Turnpike Company; and that E. T. Seay, R. C. Dalton, Eli. Dalton, Lytle Ball, B. W. Mills, Moses Burnley, Lewis G. Mills, James H. Siddens, and John H. Henry are hereby Commissioners to open books for the purpose of raising subscription for building a turnpike road, commencing at the Hartsville and Lafayette Turnpike, near Robert Pursley's, leading to Green Grove, over the most practicable route, as the Commissioners may designate.

Gates.

SEC. 35. *Be it further enacted*, That no gate upon this road shall be erected in less than one mile of Hartsville, and that the gates on this road shall be five miles apart.

Fountain Head
Depot and La-
fayette Turnpike
Company.

SEC. 36. *Be it further enacted*, That the Fountain Head Depot and Lafayette Turnpike Company, is hereby incorporated, with all the powers, privileges, rights and liabilities of the act incorporating the Hartsville Turnpike Company, and that Henry Sarun, O. P. Butler, Jeremish Sarun, Samuel W. Hodges, Cyrus Stewart, Meredith B. Johnson, Haly S. Young, Epperso and James Davis are hereby appointed to open books for the purpose of receiving subscription for building a turnpike, running from Fountain Head Depot east to Lafayette, in the county of Macon, over the most practicable route, to be designated by the majority of the Commissioners.

Gates.

SEC. 37. *Be it enacted*, That no gate upon this road shall be erected nearer than one mile of a town, and the gates shall be five miles apart.

SEC. 38. *Be it enacted*, That capital stock of the road shall not exceed forty thousand dollars.

Pine Wood Turn-
pike Company.

SEC. 39. *Be it further enacted*, That there is hereby incorporated a company to be known and styled the Pine Wood Turnpike Company; said company may sue and be sued, plead and be impleaded, and shall have succession for ninety-nine years.

SEC. 40. *Be it further enacted*, That Samuel Graham, William Wilson, Wm. Phillips, R. Coleman, F. G. Chamberlain and Wm. B. Easley, are hereby appointed Commissioners, to open books and receive stock for said road: and when the Commissioners aforesaid shall be of opinion that there is stock enough to build said road taken, or enough to justify the belief that it can be built, then they are au-

thorized, by public notice, to call the stockholders together, who are then authorized to elect such officers and create such offices as they may see proper.

SEC. 41. *Be it enacted*, That said road shall have its beginning at or near Pine Wood, in the county of Hickman, and run the most practicable route, so as to intersect the Northwestern Railroad at some convenient point in Dickson county, said route to be found by survey.

SEC. 42. *Be it enacted*, That said road may be extended to the town of Centreville, if a majority of the stockholders so determine.

SEC. 43. *Be it enacted*, That after said road leaves the valley of Pine river, the company shall only be required to grade the same.

SEC. 44. *Be it enacted*, That said company shall have Gates.
all the powers and privileges, and be subject to all the requirements laid down in the Code of Tennessee from section 1410 inclusive to section 1446, that are applicable to turnpike roads, and not herein suspended. That they shall erect not more than three toll gates from Pine Wood to its terminus.

SEC. 45. *Be it further enacted*, That so much of the original act incorporating the Pulaski and Pisgah Turnpike Company as require the whole of said road to be graveled, be, and the same is hereby repealed. Pulaski & Pisgah
Turnpike Co.

SEC. 46. *Be it enacted*, That said company shall only be required to gravel so much of said road as may be necessary to make it a good road.

SEC. 47. *Be it enacted*, That this act take effect from and after its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, December 13, 1859.

CHAPTER 24.

AN ACT to incorporate the West Tennessee Academy, at Memphis; to incorporate Tullahoma Female Academy; to incorporate Parker's Cross Roads Academy; to incorporate New Hope Academy; to incorporate Woodland Female Institute, and to change the name of Caledonia Academy.

SECTION. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That J. J. Murphy, R. B. Hawley, Rev. Richard Hines and W. B. Richmond, and their successors be, and they are hereby constituted a body corporate, by the name and style of the West Tennessee Academy, with perpetual succession.

SEC. 2. *Be it enacted*, That the persons so incorporated, and their successors, shall have power to receive subscription to the stock of said corporation to the amount of fifty thousand dollars, in shares of one hundred dollars each; and they shall also have power to hold personal and real estate, by purchase, gift, deed or devise, and sell and exchange the same as shall be demanded by the interest of said academy. They shall also have power to sue and be sued, plead and be impleaded, either in courts of law or equity. They may use a common seal, and through the officers of said academy may confer such degrees and grant such diplomas as are usually granted and conferred in Academies.

SEC. 3. *Be it enacted*, That said corporation may, when in their opinion, the interests of the academy may require it, have power to increase the capital stock thereof to two hundred thousand dollars.

SEC. 4. *Be it enacted*, That in the management of said academy, or the personal and real estate pertaining thereto, each stockholder shall be entitled to cast one vote for each share of stock which he may own, and the votes may be given either in person or by proxy.

SEC. 5. *Be it enacted*, That the shares of stock taken in this corporation, shall be transferable under such rules and restrictions as shall be prescribed by the stockholders.

SEC. 6. *Be it enacted*, That for the purpose of founding said academy, and endowing its professorships, and managing the personal and real estate thereof, said corporators and their successors shall have all the rights, powers and privileges incident to such corporations, and act either by themselves or by agents, trustees or committees appointed by them.

SEC. 7. *Be it further enacted*, That the stockholders in the Tullahoma Female Academy, be and they are hereby

created a body politic and corporate, by the name of the Trustees of the Tullahoma Female Academy, and in that name may purchase, receive and hold any property, real and personal, or mixed, which may be given, granted, sold, conveyed or devised to them for use of the said school; may use and dispose of the same as they may think best for the benefit thereof, and by the name aforesaid, said trustees may sue and be sued, plead and be impleaded in any court of law or equity.

Tullahoma
Academy.

SEC. 8. *Be it enacted*, That W. P. Hickerson, E. F. Hunt, C. A. Pylant, John Jordan, Wm. Eddes, A. Silvertooth and Gabriel Blackwell and their successors in office shall be trustees to manage said Tullahoma Female Academy, and a majority of them shall have power to make by-laws and fill any vacancy which may happen in the board, and also to appoint the President of the Tullahoma Female Academy, who shall be *ex-officio* a member of the board and President of the same, leaving, however, to said President the power of selecting his own teachers, and also dismissing them from office if they should prove inefficient.

Trustees.

SEC. 9. *Be it enacted*, That said trustees shall appoint a Secretary and Treasurer, said Treasurer giving bond with two securities for the faithful performance of his duties. Four trustees shall constitute a quorum for the transaction of any ordinary business; it will require, however, the consent of the entire board to dispose of any of the property of the academy.

Quorum.

SEC. 10. *Be it enacted*, That the President and Board of Trustees shall have full power and authority to confer upon any pupil of said academy such literary degrees as are or may be conferred in other literary institutions of the same character.

SEC. 11. *Be it enacted*, That hereafter the trustees shall hold their office for one year from the date of their election, the duties of the present board, however, expiring on the last Saturday in March next, 1860, at which time a new election of trustees shall be made by the stockholders of said Tullahoma Female Academy, one weeks notice being given by the Secretary of the old board.

SEC. 12. *Be it enacted*, That the ground, the buildings and apparatus of said Tullahoma Female Academy, shall be exempt from State and county taxes.

SEC. 13. *Be it enacted*, That the capital stock shall be to be divided into shares of twenty-five dollars, and in the election of trustees, the stockholders shall be entitled to one vote for each share.

Parker's Cross
Roads Male and
Female Academy.

SEC. 14. *Be it further enacted*, That Dudley H. Williams, W. H. Utley, B. H. Brown, Thos. Stanford, David Wilson, Wm. Pearson, Hiram Britt, J. C. Parker, C. J. Britt, Peter Person and Henry Kirby, and their successors in office, be and they are hereby constituted a body corporate and politic, by the name and style of the Trustees of Parker's Cross Roads Male and Female Academy, and by that name may sue and be sued in any of the courts of law and equity in this State, and by that name shall be capable to obtain by purchase, gift or otherwise, real and personal property, and to hold the same to themselves and their successors for ninety-nine years.

SEC. 15. *Be it enacted*, That said trustees, a quorum of them being present, shall have power to elect a President, and such other officers as they may deem necessary; and when a vacancy occurs in any of the offices, to fill the same in the same manner; and that said trustees and their successors shall have all the rights and privileges, powers and immunities which by law and usage appertain to institutions of learning.

New Hope Academy.

SEC. 16. *Be it further enacted*, That Dr. J. N. Jones, Dr. John Cowden, A. S. Foster, L. A. Sanders, J. R. Wilson, Robert Williams, Edmund Cooper, Theophilus Harria, Zadock Matlow, Hon. James H. Thomas, Rev. Asa Hardison, Dr. T. W. Brents, H. N. Cowden, Hon. George W. Jones and William Talley, be and they are hereby declared a body politic, under the corporate name of the Trustees of New Hope Academy, with power to sue and be sued, plead and be impleaded, buy, hold and sell real or personal estate, and shall have perpetual succession.

SEC. 17. *Be it enacted*, That any five of the aforesaid trustees shall constitute a quorum to transact any and all kinds of business; and until said trustees shall hold an election for officers of said institution, Dr. J. N. Jones shall act as President, Dr. John Cowden, Secretary, A. S. Foster and L. A. Sanders, Treasurers, and C. R. Darnell, Principal and Proprietor; that said offices are hereby established, and the aforementioned persons shall hold the same until their successors are elected and qualified.

SEC. 18. *Be it enacted*, That should vacancies occur in the Board of Trustees, such vacancies may be filled by appointment by the board.

SEC. 19. *Be it enacted*, That the President or principal of said institution may have power to confer literary degrees, and give diplomas, and have such other powers as are conferred on similar institutions in the State of Tennessee.

SEC. 20. *Be it enacted,* That the academy aforesaid, and the lots thereto belonging, not exceeding two acres, shall be exempt from taxation, so long as said lots are used for said purpose.

SEC. 21. *Be it further enacted,* That H. A. Gwyn, Jas. Dickinson, Daniel Hunt, C. B. Franklin, M. M. Thurmons, Charles N. Hickerson and R. R. Gwyn, be and they are hereby constituted a body politic and corporate, by the name of the Trustees of Woodland Female Institute, and by that name shall have perpetual succession and common seal; and the said trustees and their successors, by the name aforesaid, shall be capable in law to purchase, receive and hold, to themselves and their successors forever, or for any less estate, any lands, tenements, goods or chattels, which may be given, granted or devised to them or the institution, or purchased by them for the use of said institution; and said trustees and their successors, by the corporate name aforesaid, may sue and be sued, plead and be impleaded, in any courts of law or equity in this State or elsewhere.

SEC. 22. *Be it enacted,* That the trustees aforesaid, and their successors, shall have power to hold such meetings, at such times and places as may be agreed upon from time to time, by a majority of the board; to appoint a President of their own body, and a Secretary and Treasurer, either of their own body, or as they may think most desirable, and to fill vacancies that may happen in said board by death, resignation, removal, failure or refusal to act, or otherwise; but not less than four members shall constitute a quorum to transact business.

SEC. 23. *Be it enacted,* That it shall be the duty of the Secretary of said board to keep a correct journal of all the meetings and official acts of said board; to note the absentees; and said board shall have power, a majority concurring, and voting therefor, to declare vacant the seat of any member who shall have failed to attend the meetings.

SEC. 24. *Be it enacted,* That said Board of Trustees shall have power to make such by-laws, rules and regulations relating to said academy and the government thereof, and the government of their own proceedings as a majority of them deem right and proper: *Provided,* They shall not be inconsistent with the laws and Constitution of this State, and the United States.

SEC. 25. *Be it further enacted,* That the 9th section of an act passed March 15th, 1858, to charter the Caledonia Academy, be so amended as to change the name of said academy to Caledonia College.

SEC. 26. *Be it enacted*, That said Caledonia College is hereby invested with all the powers and privileges granted to said Caledonia Academy, and institutions of like character in this State.

SEC. 27. *Be it enacted*, That this act take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, December 14, 1859.

CHAPTER 25.

AN ACT to incorporate the Memphis and St. Louis Packet Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That B. F. Ball, Daniel Able, Wm. C. Postol, Wm. J. Lewis, Charles Tillman and Rolfe S. Saunders, and their associates and successors are hereby incorporated and constituted a body politic, with power for twenty years, to employ the capital of said company, in transporting passengers, produce, manufactures, mails, &c., on the Mississippi river, from Memphis to St. Louis, and all other points or places on said river, by steamers, keel-boats, lighters or otherwise, buying and building boats and other water crafts for this purpose, and holding and owning wharves and wharf-boats, houses and lots, for carrying on their business, or other property taken in payment or security for debts due them, and be known by the name and style of "The Memphis and St. Louis Packet Company," to have and to use a common seal, and to change it when desirable, to sue and be sued, to have succession, and to carry on operations of the said company under the usual rules and liabilities of incorporated companies.

SEC. 2. *Be it enacted*, That the capital stock of said company, at its formation, shall not be less than one hundred and twenty-five thousand dollars, and may be increased by vote of a majority of the stockholders, to two hundred and fifty-thousand dollars at any subsequent period; and that

the boats, tackle, wharf-boats, &c., now owned by the corporators, may be taken at a valuation by the stockholders as a part or the whole of the stock required for the organization, being credited on the books of said company, or so much stock paid in shares of stock, shall be regarded as personal estate, be transferred alone on the books after their amount has been paid up. Stock when unpaid, after thirty days' notice to the stockholders or owners, may, if unpaid, be declared forfeited, or suits instituted for its recovery.

Sec. 3. *Be it enacted*, That the officers of said company shall consist of a President and five Directors, each of whom shall be the owner of two thousand dollars of the stock of said company, and who or any three of the directors shall constitute the Board of Directors, each being entitled to a vote; and in case of a tie the President to give the casting Officer. vote. The board may make any by-laws or rules for the government of their actions, not inconsistent with this charter, the laws of the United States, or of this State. The President and Directors shall be elected by the stockholders, they designating the President on their ticket, and each share of one hundred dollars shall be entitled to one vote.

Sec. 4. *Be it enacted*, That after the books are opened, and one hundred and twenty-five thousand dollars subscribed, the majority of the stockholders shall designate by writing to B. F. Ball, Daniel Able, or any other of said persons incorporated, a place and time for the first election for President and Directors, which election shall be held by a magistrate of Shelby county, Tennessee, and certificates of election given by him thereof. Subsequent elections shall Elections. be held by order of the board annually. The business affairs of the company may be transacted at one or more places regularly, as the board may direct, thirty days' notice of the time and place of holding each election to be given. In case of the death, or resignation of the President or any director, his place may be filled by the board.

Sec. 5. *Be it enacted*, The board may appoint the President, or a committee to manage the ordinary affairs and business of the company. Dividends may be declared annually or semi-annually and paid over to the stockholders, Dividends. or certificates of dividends be issued payable to them. The board shall render annual statements to the stockholders of the conditions of its affairs.

Sec. 6. *Be it enacted*, That this company shall have and exercise no exclusive privilege in navigation, nor any rights superior to individuals in all things relating to this navigation: *Provided*, That the property of the companies hereby

corporated, shall be liable to the same tax that property of the same species belonging to the citizens of the State is now liable, or may hereafter be liable : *And provided further*, That each and every citizen of the State, who may be able to bring himself within the provisions of this act, shall be incorporated with the same rights, privileges, under the same liabilities and restrictions herein named.

SEC. 7. *Be it further enacted*, That no part of the capital stock or property of the several companies chartered by this act, shall be withdrawn either directly or indirectly, until the debts of said companies respectively are paid or satisfied, nor shall the same be employed except in the legitimate business of said companies, as provided by this act ; and if the Board of Directors of any of said companies, shall fraudulently permit the same to be done, or shall wilfully or fraudulently mismanage the affairs of such company so that loss is occasioned thereby to the creditors of such company, then such Board of Directors shall be individually liable to the creditors of the company, to the extent of such loss : *Provided*, That nothing in this section shall prevent the payment of dividends out of the earnings or profits of said companies to their respective stockholders.

SEC. 8. *Be it further enacted*, That none of said companies shall commence operations under this act, until at least one half of the capital stock is paid in, and that nothing shall be received in payment of capital stock but gold and silver, the notes of specie-paying banks, or property at fair valuation, to be used in the legitimate business of said companies.

Registry.

SEC. 9. *Be it further enacted*, That in the event the property of any of said companies shall be insufficient to pay the debts of the same, that each stockholder thereof shall be individually liable for his proportion of said debts : *Provided*, It does not exceed the amount of the dividends received by him from said company, and with a view to carry out this provision, it shall be the duty of each of said companies to keep a registry of the dividends paid to each stockholder, and a failure to keep such registry of dividends shall be a misdemeanor punishable by fine or imprisonment.

SEC. 10. *Be it further enacted*, That the stock of these companies chartered by this act shall not be sold or transferred without giving three months' notice by publication, in a newspaper published in Memphis and Nashville.

SEC. 11. *Be it further enacted*, That the stockholders of said company shall be individually liable to the amount of their stock, for the debts of the company, until their

whole stock is paid in, and that the company hereby chartered, shall be subject to such general laws, as the Legislature may from time to time enact, touching steamboats, steamboating, commerce and navigation.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, December 13, 1859.

CHAPTER 26.

AN ACT, to change the names of John C. Horn, and Howell N. Horn, and others.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an act passed March the 20th, 1858, section 4, changing the names of John C. Horn, and Howell N. Horn, to John C. Edwards and Howell N. Edwards, be hereby repealed, and that their names are hereby changed to John C. Edmonds and Howell N. Edmonds.

SEC. 2. *Be it further enacted*, That the name of Mary Francis Thogmartin, be and hereby is changed, to that of Mary Frances Parker.

SEC. 3. *Be it further enacted*, That the name of Margaret Neel Ferrell, be and the same is hereby changed to Margaret Neel Waller.

SEC. 4. *Be it further enacted*, That the name of Olivado Oliver be changed to that of Olivado Kuhn.

SEC. 5. *Be it further enacted*, That this take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, Dec. 16, 1859.

corporated, shall be liable to the same tax that property of the same species belonging to the citizens of the State is now liable, or may hereafter be liable : *And provided further*, That each and every citizen of the State, who may be able to bring himself within the provisions of this act, shall be incorporated with the same rights, privileges, under the same liabilities and restrictions herein named.

SEC. 7. *Be it further enacted*, That no part of the capital stock or property of the several companies chartered by this act, shall be withdrawn either directly or indirectly, until the debts of said companies respectively are paid or satisfied, nor shall the same be employed except in the legitimate business of said companies, as provided by this act ; and if the Board of Directors of any of said companies, shall fraudulently permit the same to be done, or shall wilfully or fraudulently mismanage the affairs of such company so that loss is occasioned thereby to the creditors of such company, then such Board of Directors shall be individually liable to the creditors of the company, to the extent of such loss : *Provided*, That nothing in this section shall prevent the payment of dividends out of the earnings or profits of said companies to their respective stockholders.

SEC. 8. *Be it further enacted*, That none of said companies shall commence operations under this act, until at least one half of the capital stock is paid in, and that nothing shall be received in payment of capital stock but gold and silver, the notes of specie-paying banks, or property at fair valuation, to be used in the legitimate business of said companies.

Registry.

SEC. 9. *Be it further enacted*, That in the event the property of any of said companies shall be insufficient to pay the debts of the same, that each stockholder thereof shall be individually liable for his proportion of said debts : *Provided*, It does not exceed the amount of the dividends received by him from said company, and with a view to carry out this provision, it shall be the duty of each of said companies to keep a registry of the dividends paid to each stockholder, and a failure to keep such registry of dividends shall be a misdemeanor punishable by fine or imprisonment.

SEC. 10. *Be it further enacted*, That the stock of these companies chartered by this act shall not be sold or transferred without giving three months' notice by publication, in a newspaper published in Memphis and Nashville.

SEC. 11. *Be it further enacted*, That the stockholders of said company shall be individually liable to the amount of their stock, for the debts of the company, until their

whole stock is paid in, and that the company hereby chartered, shall be subject to such general laws, as the Legislature may from time to time enact, touching steamboats, steamboating, commerce and navigation.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, December 13, 1859.

CHAPTER 26.

AN ACT, to change the names of John C. Horn, and Howell N. Horn, and others.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an act passed March the 20th, 1858, section 4, changing the names of John C. Horn, and Howell N. Horn, to John C. Edwards and Howell N. Edwards, be hereby repealed, and that their names are hereby changed to John C. Edmonds and Howell N. Edmonds.

SEC. 2. *Be it further enacted*, That the name of Mary Francis Thogmartin, be and hereby is changed, to that of Mary Frances Parker.

SEC. 3. *Be it further enacted*, That the name of Margaret Neel Ferrell, be and the same is hereby changed to Margaret Neel Waller.

SEC. 4. *Be it further enacted*, That the name of Olivado Oliver be changed to that of Olivado Kuhn.

SEC. 5. *Be it further enacted*, That this take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, Dec. 16, 1859.

CHAPTER 27.

AN ACT, to revive so much of an Act, passed 21st of February, 1852, Chapter 188, as relates to the Mutual Protection Fire Insurance and Life and Trust Company of Trenton.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That so much of the act passed 21st of February, 1852, Chapter 188, as relates to the Mutual Protection Fire Insurance and Life and Trust Company of Trenton, be and the same is hereby revived, and two years longer time given said company, for the subscription of stock.

SEC. 2. *Be it further enacted*, That this act take effect from the date of its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, Dec. 16, 1859.

CHAPTER 28.

AN ACT, to charter the Gainsborough and Celina Turnpike Company, the Livingston and Caney Fork Turnpike Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Erasmus Denton, James Baize, Edward M. Caison, Wm. Gore, Bennett Stone, Landon Oglesby, Robert Brown, L. T. Armstrong, William Shields, all of Jackson County, be, and they are hereby created and constituted a body politic, under the name and style of the Gainsborough and Celina Turnpike Company; and that they may by that name sue and be sued, and purchase and sell any kind of property, both real and personal, and transact any and all kind of business that is common to such corporation. That the said company is hereby incorporated for the purpose of building a turnpike road to lead from the town of Gainsborough in Jackson county, to the town of Celina in said county; whenever there shall have been a subscription of ten thousand dollars, in shares of fifty dollars each, the said company may call a meeting of the stockholders at the town of Celina, when and where they may organize the corporation under the same rules and regulations provided for the organization of the Gainsborough and Defeated Creek Turnpike Company, and they

Gainsborough
and Celina Turn-
pike Company.

shall have the same rights, powers, privileges, and immunities given the said Gainsborough and Defeated Creek Turnpike Company.

SEC. 2. *Be it further enacted*, That, John Lea, Richard Copeland, Richard Poteete, Burton Marchbanks, Edward Draper, Charles Burton, Holland Denton, Stephen Burton, Benj. Gardenhire and James Gilliland, be, and they are hereby constituted a body politic under the name and style of the Livingston and Caney Fork Turnpike Company, and that they may, by that name sue and be sued, and purchase and sell any kind of property, both real and personal, and transact any and all kind of business that is common to such corporations. That the said company is incorporated for the purpose of building a turnpike road to lead from the Kentucky State line, by Livingston, to the Caney Fork, in the direct course to Nashville; whenever there shall have been a subscription of ten thousand dollars, in shares of fifty dollars each, the said company may call a meeting of the stockholders at the town of Livingston, when and where they may organize said corporation, under the same rules and regulations provided for the organization of the Gainsborough and Defeated Creek Turnpike Company, and they shall have the same rights, powers, privileges and immunities given the said Gainsborough and Defeated Creek Turnpike Company.

Livingston and
Caney Fork
Turnpike Com-
pany.

SEC. 3. *Be it further enacted*, That the act entitled an act to incorporate the Thompson's Station and Bethesda Turnpike Company, and to incorporate the Franklin and Triune Turnpike Company, passed March 18th, 1858, be renewed, and that said companies, respectively shall have until the 25th day of December, 1861, to begin the construction of said roads, and shall finish the same according to the other provisions and specifications of said act, within six years after the passage of this act, or said charters shall be respectively forfeited: *Provided*, that nothing herein contained shall be so construed as to give said companies power to do any acts or things other than such as may be performed by ordinary turnpike companies.

Thompson Sta-
tion and Bethes-
da Turnpike, and
the Franklin and
Triune Turnpike
Company.

SEC. 4. *Be it enacted*, That this act shall take effect from and after its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, Dec. 17, 1859.

CHAPTER 29.

AN ACT to amend the Corporation Laws of the town of Dover, in Stewart county, and to amend the charter of the town of Franklin, in Williamson county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the boundaries of the corporate limits of the town of Dover be changed as follows, to wit: Beginning on the south side of Cumberland river, at a point on said Cumberland river, at low water mark, from which a line running due south will include the residence of J. M. Scarborough; continuing this course from which a due east line will include the public burying ground in said corporation; continuing thence east to the northwest corner of said burying ground; thence south to the southwest corner of said burying ground; thence in a southeasterly direction, so as to include the residence of William Cook; continuing this course to a point from which a due north line will include the residence of C. Dudley; thence north to the town spring branch; thence with the meanderings of said spring branch to Cumberland river at low water mark; thence down said river at low water mark to the beginning.

Power to issue bonds.

SEC. 2. *Be it further enacted by the authority aforesaid*, That the Board of Mayor and Aldermen of said corporation shall have authority to issue and sell for the best price that can be obtained, their bonds to an amount not exceeding the sum of five thousand dollars, having from one to five years to run before maturity, bearing not more than six per cent. interest per annum, and not more than one thousand dollars of said bonds to fall due annually.

SEC. 3. *Be it further enacted*, That all the property within the limits of said town shall and is hereby bound for the redemption of said bonds.

SEC. 4. *Be it further enacted*, The Board of Mayor and Aldermen of said corporation shall have authority to sell, according to the provisions of the second section of this act, any amount of the bonds of said corporation; *Provided*, That said Board of Mayor and Aldermen shall not be authorized to issue the bonds of said corporation to any amount over five thousand dollars, unless the question of issuing said bonds, together with the amount proposed to be issued and sold, first be submitted to a vote of the qualified voters in said corporation to be held by the sheriff of Stewart county, Tennessee, first giving ten days' notice in writing of the time of holding said election: *And be it further provided*, That said election shall be held at the court house, in the town of Dover, and if a majority of the qualified

voters within said corporation shall vote in favor of the issuing said bonds, then the mayor and aldermen of said corporation shall be authorized to issue and sell said bonds, according to the provisions of the second section of this act, and the property within said corporation shall be bound for the redemption of said bonds.

SEC. 5. *Be it further enacted by the authority aforesaid,* That all the means arising from the sale of bonds sold under the provision of this act, shall be expended only in the improvements of the streets within the corporation of the town of Dover.

SEC. 6. *Be it further enacted,* That it shall be the duty of the recorder of said town, to keep in a well bound book an account of all moneys received by him for the use of said corporation, and an account of how much paid out and for what purpose and to whom paid, whether arising from the sale of bonds sold, or from fines and forfeitures for the violation of the by-laws of said corporation.

SEC. 7. *Be it further enacted,* That any person who shall be guilty of squandering or misapplying any moneys belonging to said corporation may be indicted in the Circuit Court, and on conviction fined and imprisoned at the discretion of said court.

SEC. 8. *Be it further enacted,* That the mayor and aldermen of the town of Franklin, may subscribe for and hold such amount and number of shares of the capital stock of any and all chartered turnpike road companies, whose roads shall run to or from said town, and pay for such stock out of the revenues of said corporation as they shall deem expedient: *Provided,* The whole amount of stock which shall be so subscribed shall not exceed at the time of subscription more than ten per cent. on the amount of the value of the taxable property in said town. Town of Franklin.

SEC. 9. *Be it enacted,* That no subscription of stock shall be made by said mayor and aldermen until after the vote of the legal voters of said town shall have been taken by the town constable of said town, on his giving ten days' previous notice thereof, under an order of said mayor and aldermen, and a majority of said voters in such election shall have approved such subscription.

SEC. 10. *Be it enacted,* That this act take effect from its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, December 17, 1859.

CHAPTER 30.

AN ACT to amend the charter of the Pigeon Roost and Chulahoma Turnpike Company, in Shelby county, Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the charter of the Pigeon Roost and Chulahoma Turnpike Company, be so amended as to allow said company hereafter to keep their road in good repair as a *dirt* Turnpike; and they shall not be required to cover any part of their road with plank, except the bridges and culverts on said road.

SEC. 2. *Be it further enacted*, That this act shall be in force from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, December 19, 1859.

CHAPTER 31.

AN ACT to establish the 15th Civil District in Hickman county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a civil district is hereby established in Hickman county, to be denominated the 15th civil district, and it shall have the following boundaries: Beginning at the mouth of Buck branch, running up said branch to the line of the 14th civil district; thence with that line west, until it reaches what is called the Tatty road, and thence with the same and the old green road to the river; thence up the river to the beginning.

SEC. 2. *Be it further enacted*, That the place of voting in said district, until removed by a majority of voters in said district, shall be at, or near the house of Nathaniel Young, Esq., that the voters in said district, shall meet at the time of holding the regular county elections at said place, and vote for their district officers, as well as the other county officers, and that the officers, so elected, be furnished with the books furnished to the officers of other districts.

SEC. 3. *Be it further enacted, That this act take effect from and after its passage.*

W. C. WHITTHORNE,
Speaker of the House of Representatives.
TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, December 20, 1859.

CHAPTER 32.

AN ACT to authorize the Sheriff of Hardeman county to open the polls and hold elections in the town of Pocahontas.

Be it enacted by the General Assembly of the State of Tennessee, That from and after the passage of this act, the Sheriff of Hardeman county, in person, or through his deputies, be authorized to open and hold elections, in and at the town of Pocahontas, of civil district No. 11, and county aforesaid, in all federal, State, county and district elections as at other places, in the manner prescribed by law.

W. C. WHITTHORNE,
Speaker of the House of Representatives.
TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, December 20, 1859.

CHAPTER 33.

AN ACT to repeal the 28th Section of an Act, passed at the last General Assembly, known as an Act for the incorporation of the Elkton and Prospect Turnpike Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That the twenty-eighth (28) section of an act passed March 10th, 1858, chapter 120, entitled an act, to incorporate the Elkton and Prospect Turnpike Company, be and the same is hereby repealed.*

SEC. 2. *Be it further enacted, That that portion of the internal improvement fund set apart by the act of Assembly of 1829, for the county of Giles, together with the interest thereon, be placed at the disposal of the County Court of*

their number, the full and explicit conditions on which the money was subscribed in purchasing the grounds, and erecting the church, which book shall be open for inspection of all the subscribers. All vacancies in the aforesaid board shall be filled by the board of trustees, a majority of them being present, until said vacancy or vacancies shall be filled by the subscribers at a called meeting for that purpose.

SEC. 9. *Be it further enacted*, That all laws and parts of laws heretofore enacted in conflict with this act, be and the same are hereby repealed. This act to take effect from and after the date of its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, January 17, 1860.

CHAPTER 36.

AN ACT to amend an act of January 16th, 1858, chapter 36th of the Private Laws, entitled "An Act to establish the University of the South."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Stephen Elliott, Wm. N. Hawks, Daniel Griffin and J. Hamilton Cowper, be, and they are hereby appointed additional trustees to said University of the South.

SEC. 2. The said University of the South shall have power and authority to receive donations and grants of lands in addition to the number of acres specified in the 10th section of the charter: *Provided*, That if said additional donations or grants are of lands in this State, that such lands be sold and disposed of by the University, and converted into personal securities or State bonds.

SEC. 3. The said University of the South shall have a right to establish such police and municipal regulations as may be necessary for the preservation of order and the enforcement of the by-laws of said University, the same to be consistent with the laws and constitution of the United States and this State. That the foregoing shall be the amendment of the charter of said University.

Sec. 4. *Be it further enacted*, That this Act take effect from and after its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.
TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, January 19, 1860.

CHAPTER 37.

AN ACT to change the time of holding the Chancery Court of Blount county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter the Chancery Court of the county of Blount, shall be held on the first Tuesday after the first Mondays of May and November.

SEC. 2. That this act take effect from and after the date of its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.
TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, January 19, 1860.

CHAPTER 38.

AN ACT to amend an act entitled "An Act to incorporate the Building Company of the city of Memphis, &c., and the New Orleans and Ohio Telegraph Lessees, and for other purposes," and to change the name of the latter corporation to that of the Southwestern Telegraph Company; and to charter the Mobile and Ohio Telegraph Company.

SECTION. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That whenever a majority in interest of the stockholders of the corporation known and designated as the New Orleans and Ohio Telegraph Lessees, shall elect to accept the provisions of this act, the act enumerated in the foregoing title, approved 28d day of February, 1856, shall be, and the same is hereby amended as provided in the following sections hereof.

SEC. 2. The name of said corporation shall be changed to that of the Southwestern Telegraph Company, and by that name and title said corporation shall have and enjoy all the

rights and privileges, and be subject to all the liabilities and restrictions pertaining to or devolving upon said New Orleans and Ohio Telegraph Lessees, either by virtue of said original act of incorporation, or by virtue of any and all contracts made or business transacted under said act of incorporation, as much as if the name and title of said corporation had not been changed; and said corporation of the Southwestern Telegraph Company herein provided, by virtue and in the act of accepting these amendments, shall assume all the responsibilities and enjoy all the benefits and immunities devolving upon, or pertaining to the original association or business firm of lessees of New Orleans and Ohio Telegraph lines, whether said benefits and responsibilities are embraced in or grow out of the original contract of lease between the New Orleans and Ohio Telegraph Company, as lessors, and S. F. B. Morse and others, as lessees, or arise out of any profits or investments made, or responsibilities incurred in the transaction of telegraph business by said lessees during the period of their unchartered existence as a business firm.

Rights of said
Company.

SEC. 3. *Be it further enacted*, That said corporation may construct or acquire and maintain main trunk lines of telegraph on the Louisville and Nashville railroad, and the branch thereof toward Memphis, on the Henderson and Nashville railroad, the Memphis and Ohio railroad, the Memphis and Charleston railroad, the Mississippi Central and Tennessee railroad, the Tennessee and Alabama railroad, the Nashville and Chattanooga railroad, the Nashville and Northwestern railroad, the Mobile and Ohio railroad, and on any and all other railroads, or branch roads, or highways within the limits of this State: *Provided*, No vested rights of said railroad companies be infringed thereby against their consent, and the further right to construct or acquire branch lines of telegraph to any town, or city, or other point, or between any two points within this State or any of the public roads or highways thereto, and to maintain and operate any and all of their said lines, with all the rights and privileges of said corporation for and during the longest period mentioned in said original act of incorporation.

SEC. 4. *Be it further enacted*, That in order to the construction and extension of their lines of telegraph, said corporation shall be entitled to raise its capital stock to any sum not exceeding one million of dollars, at such time or times and in such manner as a majority in interest of all the stockholders may appoint.

WHEREAS, the following charter has been granted by the States of Alabama and Mississippi, viz :

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That R. A. Parker, C. K. Foote, C. J. McRea, L. J. Fleming, L. B. Moody, A. S. Humphreys, R. B. Hurt, or any four of these, and those whom they may associate with them, and their successors, be, and they are hereby declared to be a body politic and corporate, under the name and style of the Mobile and Ohio Telegraph Company, and as such corporate body they shall have power:—

1st. To have succession by its corporate name, and make contracts.

2d. To sue, and be sued.

3d. To use a common seal, and to alter the same at pleasure.

4th. To hold, purchase, dispose of, and convey real and personal estate to such an amount as its business may require.

5th. To appoint such subordinate officers and agents as the business of the corporation shall require, prescribe their duties and fix their compensation.

6th. To make by-laws, not inconsistent with any existing law, for the transfer of its stock, the management of its affairs.

SEC. 2. *Be it further enacted,* That said corporation shall have power to cause to be erected, kept up, and used, one or more telegraph lines of such description as they may, from time to time, think proper, along the route of the Mobile and Ohio Railroad and its branches, or any part thereof, with all stations and appurtenances for the use of the public generally, under such rules and regulations as may be deemed expedient and at such rates of compensation as may be agreed upon, and for that purpose said corporation may use such amount of capital as may be needed to carry on said business.

SEC. 3. *Be it further enacted,* The capital stock shall be held in shares of one hundred dollars each, and the number may be increased or diminished from time to time as may be deemed expedient and as its business may require.

SEC. 4. *Be it further enacted,* That the stockholders shall annually elect five directors who shall manage all the affairs of the corporation, one of whom shall be elected by the directors as president of the corporation, and in all such elections each share of stock shall entitle the holder to one vote, all vacancies to be filled by the directors.

SEC. 5. *Be it further enacted,* That the Mobile and Ohio Railroad Company shall have power and authority to subscribe for and hold stock in said corporation, and to con-

tract and agree with said telegraph corporation for the erection, keeping up, using and transaction of the business of telegraphing, and to agree with said telegraph corporation for the transmission of its dispatches and telegraph business, on such terms as the two corporations may agree on; and they shall have power to contract with each other for that purpose: *Provided*, The said Mobile and Ohio Railroad and branches shall always have the preference in point of time, when there may be a press of business, over others for the transmission of its dispatches; and all needful regulations may be made by said two corporations to accomplish the objects herein provided.

SEC. 6. *Be it further enacted*, That the office of said corporation shall be located at Mobile, where all dividends shall be paid, and books of transfer of stock shall be kept.

SEC. 7. *Be it further enacted*, That said corporation shall have power to contract for all connections with other lines, in or out of this State, they may think proper, and to purchase or build such connecting lines extending to any place they may deem advisable, and may enlarge their capital at any time for that purpose.

SEC. 8. *Be it further enacted*, That every person who shall destroy or commit trespass upon the fixtures of said corporation, created in pursuance of the authority hereby given, actually interrupting or with intent to interrupt the operations of the telegraph, shall pay to said corporation five hundred dollars for such offence, and shall be further liable for all damages which the said corporation may suffer in repairing the injury and the interruption of their business, to be recovered in any court having jurisdiction of the same, and shall be further liable to indictment, and on conviction, be fined not less than one hundred dollars, or imprisoned not less than thirty days, at the discretion of the jury trying the same; and if any person incurring the penalty aforesaid shall, through insolvency or other cause, be unable or shall be unable to pay the damages aforesaid, and shall a second time destroy or commit a trespass upon said fixtures, he shall be subject to imprisonment not less than one month nor over twelve months in the county jail or State prison, at the discretion of the jury trying the same, on conviction thereof before any court of competent jurisdiction.

Approved 14th day of December, 1859.

Now,

SEC. 5. *Be it enacted by the General Assembly of the State of Tennessee*, That the corporate powers granted by the State of Alabama, in the above recited act, be, and the same

are hereby extended through the State of Tennessee; and the persons named in said act are hereby incorporated for that purpose, with all the powers, privileges and immunities in the State of Tennessee that are granted by the above recited act in the States of Alabama and Mississippi.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, January 21, 1860.

CHAPTER 39.

AN ACT to amend an act in relation to the appointment of Notaries Public in Shelby County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the County Court of Shelby county be, and is hereby authorized and directed, in addition to the number of Notaries Public now required by law to be appointed, to appoint, at their first regular session after the passage of this act, *three* additional Notaries Public for said county, who shall hold their offices under and in all respects be governed by the laws now in force in regard to Notaries Public in this State.

SEC. 2. *Be it further enacted*, That the Notaries Public so appointed by the County Court of Shelby county, shall keep their offices in the city of Memphis, or elsewhere, as directed by said court in the order of appointment.

SEC. 3. *Be it further enacted*, That in case of the death or removal from the county of Shelby, or the refusal of any appointee of said Court to have and keep his office open and prepared for business at the place fixed and prescribed by said Court in his appointment, the Court aforesaid may, at its discretion, declare the office vacant, and fill the same by a new appointment: *Provided*, That the presiding Judge of said Court, in case of the death, removal from the county of Shelby, or resignation of any Notary Public of said county, in vacation, or the Court in term, shall have power to fill the vacancy so occasioned.

SEC. 4. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, January 19, 1860.

CHAPTER 40.

AN ACT, to change the name of the Cincinnati, Cumberland Gap and Charleston Railroad Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the second section of an act passed on the 18th day of November, 1853, entitled an act to charter the Cincinnati, Cumberland Gap and Charleston Railroad Company, be so amended that whenever said Railroad Company shall unite with the Union and Spartenburg Railroad Company, and the French Broad and Greenville Railroad Company, the companies so united and consolidated shall be known by the name of the Carolina and Tennessee Railroad Company, and said united company shall succeed to and enjoy all the rights, privileges and immunities, and be subject to the same liabilities and restrictions as are now enjoyed by and imposed upon the Cincinnati, Cumberland Gap and Charleston Railroad Company, excepting such as may be otherwise directed by this act: *Provided*, the lien of the State upon said road as indemnity against loss on account of State aid, which may be furnished agreeably to the laws now in force, shall in no wise be impaired by such consolidation.

SEC. 2. *Be it further enacted*, That the mode of consolidation may be by the action of a majority of the Board of Directors, and the company created by such consolidation may be under the control of such number of Directors, apportioned in the States of South Carolina, North Carolina, and Tennessee, as may be agreed upon by said companies in their articles of consolidation.

SEC. 3. *Be it further enacted*, That from and after the next election of directors, the directory of said company shall consist of a board of nine, a majority of whom shall constitute a quorum competent to the transaction of any business for said company until said consolidation shall be effected.

SEC. 4. *Be it further enacted*, That an act passed on the 8th day February, 1854, entitled an act to amend an act passed 11th February, 1852, entitled an act to establish a system of Internal Improvements in this State, be so amended, that whenever the Cincinnati, Cumberland Gap and Charleston Railroad Company shall have graded and shall have ready to put down the necessary timbers for reception of rails from Morristown to the French Broad river, and every ten miles of said road thereafter similarly graded, it shall be the duty of the Governor to issue bonds of the

State to the company as is required by said acts : *Provided*, that no additional State aid per mile is hereby granted not extended heretofere by previous acts of Assembly.

SEC. 5 *Be it further enacted*, That an act passed on the 17th day of December, 1855, entitled, an act to amend an act entitled an act, to charter the Cincinnati, Cumberland Gap and Charleston Railroad Company, be so amended that the surplus of the bridge appropriations over the Clinch and Holston river, may be applied to any masonry along the line of said road, or other purpose necessary to prepare the said road for the iron rails. Bridge aid.

SEC. 6. *Be it further enacted*, That the stock subscribed by the citizens of Hancock and Claiborne Counties, to aid the building of the Cincinnati, Cumberland Gap and Charleston Railroad, shall in no event be expended on that part of the said road, south of the East Tennessee and Virginia Railroad, but shall only be applied to the building of said road in the limits of Claiborne County.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, January 23, 1860.

CHAPTER 41.

AN ACT to give Presley Carden further time to finish his Turnpike Road.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Presley Carden, of Carter County have further time of two years from the 1st day of December next, to finish his turnpike road in Carter county.

SEC. 2. *Be it further enacted*, That the directors of Fayetteville and Mulbury Turnpike Company have the further time of four years to complete and finish their turnpike road. Fayetteville and Mulbury Turnpike Company.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN.

Speaker of the Senate

Passed, January 30, 1860.

CHAPTER 42.

AT ACT to incorporate the South Gibson Institute; to incorporate the Pollymonian Society of Montezuma Academy; to incorporate the Humboldt Female College.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Samuel F. Cole, John Green, Benjamin Seward, James H. Scales, Thomas Walker, A. J. Williams, and Green Williams, and their successors in office, be, and they are hereby constituted a body politic and corporate, by the name and style of the trustees of the South Gibson Institute, situated in the County of Gibson and shall have succession for ninety-nine years, and be capable in law to purchase, receive and hold to themselves and their successors, any lands, tenements, goods or chattles which may be given, granted or devised to them, or purchased for the use and benefit of said institution, and to appropriate, and dispose of the same in such manner as to them may seem fit and proper for the use and benefit of said institution.

SEC. 2. *Be it further enacted*, That said trustees shall have a common seal, may sue and be sued, plead and be impleaded in any court of law or equity in this State or elsewhere.

SEC. 3. *Be it further enacted*, That said board of trustees shall have power to employ all necessary teachers and professors; fix the rate of tuition; to confer, if they think proper in conjunction with the faculty, such literary degrees and diplomas, as are usual in such institutions, and to have and enjoy all other powers and privileges incident to corporations of this description, inclusive of the power to make all necessary by-laws and regulations, relative to said institution and to the good government thereof, not being inconsistent with the constitution and laws of the State of Tennessee, and of the United States.

SEC. 4. *Be it enacted*, That the trustees aforesaid, and their successors, shall have power to hold such meetings at such time and place as they may think proper, to elect one of their own number President, and a secretary and treasurer of said board, and to fill all vacancies that may happen by death, resignation, or otherwise.

SEC. 5. *Be it further enacted*, That S. M. Fry, M. D., James W. Parse, Hon. John W. Estis, D. M. Spencer, M. D., John B. Estis, Rev. James Conner, J. W. Perkins, M. D., W. E. Stewart, M. Tillman, and those associated with them and their successors, be, and they are hereby incorporated and made a body politic, by the name of the Pollymonian Society of Montezuma Academy, Mon-

Sec. 4. *Be it further enacted*, That this Act take effect from and after its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.
 TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, January 19, 1860.

CHAPTER 37.

AN ACT to change the time of holding the Chancery Court of Blount county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter the Chancery Court of the county of Blount, shall be held on the first Tuesday after the first Mondays of May and November.

Sec. 2. That this act take effect from and after the date of its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.
 TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, January 19, 1860.

CHAPTER 38.

AN ACT to amend an act entitled "An Act to incorporate the Building Company of the city of Memphis, &c., and the New Orleans and Ohio Telegraph Lessees, and for other purposes," and to change the name of the latter corporation to that of the Southwestern Telegraph Company; and to charter the Mobile and Ohio Telegraph Company.

SECTION. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That whenever a majority in interest of the stockholders of the corporation known and designated as the New Orleans and Ohio Telegraph Lessees, shall elect to accept the provisions of this act, the act enumerated in the foregoing title, approved 28d day of February, 1856, shall be, and the same is hereby amended as provided in the following sections hereof.

Sec. 2. The name of said corporation shall be changed to that of the Southwestern Telegraph Company, and by that name and title said corporation shall have and enjoy all the

SEC. 11. *Be it enacted,* That this act take effect from and after its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.
TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, January 30, 1860.

CHAPTER 43.

AN ACT for the benefit of the Knoxville and Kentucky Railroad Company.

WHEREAS, It appears to this General Assembly, from the application of the President of the Knoxville and Kentucky Railroad Company, that ample means are now secured to construct said road according to its charter, and the various acts for the benefit of this company, as well as others in this State; and that the company desire to hasten the completion of the road with the utmost dispatch; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Knoxville and Kentucky Railroad Company, shall have until January first, eighteen hundred and sixty-three, to complete their first section of thirty miles, the distance intervening between Knoxville and the base of the Cumberland mountain.

SEC. 2. *Be it further enacted,* That when the Governor shall be satisfied that the company has in every other respect complied with the statutes granting State aid to railroads, he may issue bonds as provided by law for the first ten miles, and then again for the section intervening between that ten miles and the town of Clinton, and then for the remainder of the thirty miles as each division of the section is in the condition required by law.

SEC. 3. *Be it further enacted,* That said company may receive so much of its savings from the cost of equipments and the Clinch river bridge, as is consistent with the necessities of the road in the opinion of the Chief Engineer, and apply such savings to the grading and masonry upon other difficult sections of the road: *Provided, however,* That in no event shall the company use any other iron rail of a different pattern, or of a different weight than that now authorized by the statutes of this State to be used.

W. C. WHITTHORNE,
Speaker of the House of Representatives.
TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, February 1, 1860.

CHAPTER 44.

AN ACT to incorporate the People's Passenger Railroad Company, of Memphis.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That B. F. Dill, A. M. Foute, H. A. Orne, Charles Hathaway, C. C. Cleaves, W. P. Lewis, Jos. Bruce, Henry D. Small, R. M. Kirby, Wm. C. Bryan and William Kirk, and their associates, shall be and are hereby constituted a body politic and corporate, under the name and style of the People's Passenger Railroad Company, of Memphis, and by that name may have succession for the term of twenty-five years, may sue and be sued, plead and be impleaded, may have and use a common seal, may purchase and hold such personal and real estate as may be necessary for carrying on the business of the corporation, and the same to sell or dispose of at pleasure; may make all needful by-laws for their government, not inconsistent or in conflict with the laws of the United States, the State of Tennessee, or the city of Memphis.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be five hundred thousand dollars, which shall be divided into shares of fifty dollars each, and the same may be subscribed to and made subject to such calls and terms of payment as the directory hereinafter provided for shall designate.

SEC. 3. *Be it further enacted*, That the persons above named shall, within thirty days after the passage of this act, meet, and by ballot elect five of their number to act as directors of said company, and thereupon said directors shall choose one of their number to act as President, and may elect such other officers as they may think necessary, and fix the salaries of the same; said officers to remain in office one year, at which time, after three weeks' notice in three of the newspapers published in the county of Shelby, State aforesaid, the stockholders of said company shall meet and elect the directors aforesaid, each stockholder having one vote for each share of stock held by him or her; said directors shall thereupon elect their said President, and other officers; and said election shall take place annually; said stockholders may vote in person or by proxy; three of said directors shall constitute a quorum for the transaction of business.

SEC. 4. *Be it further enacted*, That said company by their said directors and officers, shall have power to complete and execute all contracts and agreements entered into with the city of Memphis, or other parties, for the use of the streets of said city, or building said railroad, and may alter

or enlarge the terms of the same with said parties, and may operate street railroads, by animal power, on all streets in the city of Memphis, with the consent of said city; may enter into all necessary contracts for the building and operating of said roads, and declare dividends on the capital stock of same.

SEC. 5. *Be it further enacted*, That said company may extend said road or roads outside of the corporate limits of the city of Memphis, not to exceed two miles, by contracting and agreeing with the County Court for the public highway, and with individuals for the lands through which their road may pass: *Provided*, That this act shall not be so construed as to grant either the endorsement of the State or the loan of any bonds.

SEC. 6. *Be it further enacted*, That the stockholders of said company shall be individually liable for the amount of their stock subscribed until the same is paid in.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, February 1, 1860.

CHAPTER 45.

AN ACT to amend the charter of the Memphis, Clarksville and Louisville Railroad Company; to vest the Mayor and Aldermen of Clarksville with power to ratify former acts of their Board; to make certain provisions in reference to bridges on the Cincinnati, Cumberland Gap and Charleston Railroad.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Memphis, Clarksville and Louisville Railroad Company is hereby authorized to issue, from time to time, income bonds, pledging the receipts of said railroad, in amount not to exceed three hundred and fifty thousand dollars in the aggregate; said bonds to be made payable at such time and place as the president and directors of said company may direct, and to bear a rate of interest not exceeding six per cent. per annum, with interest coupons attached; they shall bear the signature of the president, and be countersigned by the secretary with the seal of the company attached, and the coupons to be signed by the secretary: *Provided, however*, That said bonds or any mortgage made to secure them shall in no wise affect the lien of the State of Tennessee, created by the General

Internal Improvement laws of February 11th, 1852, and the laws amendatory thereof, either upon part of said road on which State aid has been drawn or upon any part of the same on which it may be subsequently drawn, but shall in all cases be and regarded as secondary in right to the same. The State of Tennessee hereby expressly reserving priority of lien as is provided by General Internal Improvement act: *Provided, further*, That said company is expressly prohibited from mortgaging or in any other manner giving a lien on, or in any other manner hypothecating for the benefit of said bondholders; their assets as contained in their last showing of assets in their last application for State aid, the same consisting of means which, by the law authorizing county and corporation subscriptions to railroad enterprises, are, by the provisions of the same, to be used in constructing said railroad in Montgomery county and the counties as near thereto as may be between Kentucky State Line and Tennessee river, where the bridge crosses the same: *Provided, nevertheless*, That nothing in this act shall be so construed as to prevent said company from drawing State aid upon showing ability to build their road from the Kentucky State Line to the Tennessee river, as hereafter provided by law, and in no event shall said bonds so issued as above provided from time to time, be enumerated or counted as debts of said company; but the right is hereby expressly reserved as heretofore given to said company, to draw State aid upon showing their ability to build from the Kentucky line to the Tennessee river, exclusive of the means resulting from the sale of said bonds as heretofore and hereinafter provided to be issued.

SEC. 2. *Be it further enacted*, That the said bonds are hereby authorized to contain on their face a pledge of the income of said company from their road, after paying liabilities due the State of Tennessee, charges for running and the necessary repairs of said road. They, as the proceeds of sales, shall be used in the purchase of iron, chairs, and spikes, crossties, the laying of track and equipment for business, and for all purposes of construction. It shall be deemed malfeasance in office in such members of the board as shall authorize any other use; and any stockholder shall have the right to arrest, by petition or affidavit, such improper application.

SEC. 3. *Be it further enacted*, That the bonds hereby authorized to be issued shall be made payable to bearer, and pass by delivery; and to secure the prompt payment of the interest and principal, said company, by their president, may mortgage to trustees to be named therein for the benefit of the holders of said bonds, and provide for a succession

of trustees in case of the death, removal or refusal to act; it shall, to all intents and purposes, pass the property recited, and privileges and franchises to the trustees for the use of the holders of bonds herein provided to be issued, and such others as it purports to secure, together with the earnings of said road, after the payment of the expenses of running and repairs. This act shall not be so construed to affect, nor shall any mortgage executed by its provisions impair or in any way affect, change or weaken the lien of the State of Tennessee created by the State of Tennessee, in conferring or accepting State aid by said company.

SEC. 4. *Be it further enacted*, That it shall be the duty of the president and directors of said company to cause to be set apart and held sacred as a sinking fund, such per cent. of the earnings of said road, after paying for charges of running, repairs and incidental expenses in the operations of said road, as will be equal to the payment of interest on said bonds, and be sufficient to redeem each class of bonds as they fall due; the setting apart of such fund shall, however, in no event, have preference over the rights of the State as given in former legislation in reference to the income of said road. When any of said bonds may fall due, said company may make proclamation in one or more newspapers published in Clarksville, Nashville, or Memphis, of its readiness to pay on a day and at a place of payment; and if the bonds so advertised and designated are not presented for payment, the interest shall cease from that time until presented and payment refused.

SEC. 5. *Be it further enacted*, That if said company shall fail to make payment of the interest as it shall fall due, the holders of said bonds may proceed by petition filed, or affidavit in Chancery Court at Clarksville, after twenty days' notice to the president, and on hearing, the Court shall make such order or decree in the premises as may be deemed necessary and sufficient to enforce and secure the performance of the trust, which order shall be for the benefit of all the bondholders to whom said company may be in default, that the holders of bonds issued under this act shall, at their option, have the right at any time to convert them into stock of the company at dollar for dollar. The company is vested with power, by the consent of holders of bonds, to agree on terms by which the stock of the company may be issued to bondholders in payment thereof. That the issuance of bonds herein authorized shall be conclusive evidence of the acceptance of the company of this amendment of their charter, and as evidence that all the requirements of the act have been complied with.

SEC. 6. *Be it further enacted*, That whenever the said Memphis, Clarksville and Louisville Railroad Company shall have completed ten miles or more of their roadway, ready for the iron, beginning at a junction with the Memphis and Ohio road at or near Paris, running thence on a line of their road towards the Tennessee river, and shall obtain the report of the Commissioner of Roads that they are amply able to complete the rest of their roadway, and that the work upon the same will not require more than four months, they shall be entitled to draw State aid upon said ten miles or more so completed at the rate of ten thousand dollars per mile; and when, also, they shall have so completed ten miles or more of their roadway, beginning at the Southern embankment of their Tennessee river bridge, where their roadway crosses the Tennessee river: *Provided*, They so obtain the report of the Road Commissioner as to ability of said company to bring remaining portion of their road to speedy completion, they shall in like manner be entitled to draw ten thousand dollars per mile; and when they shall have completed the remnant of their roadway ready for the iron, they shall in like manner be entitled to draw ten thousand dollars per mile: *Provided, however*, That said State aid shall in all other respects be received and appropriated as is now provided for by law, and the State shall be entitled to all the liens reserved by the general and special legislation of the State of Tennessee in relation to railroad companies; all the rights, powers and privileges hertofore given to such railroad company are in no wise to be affected by this act, but are hereby reserved as fully as if this act had not been passed.

SEC. 7. *Be it further enacted*, That nothing in this act be so construed as to give said company any banking privileges of any character whatever, or so as to increase the liability of the State to this company.

SEC. 8. WHEREAS, At an election held by order of corporate authorities of the town of Clarksville, according to the provisions of the act passed by the General Assembly on 22d January, 1852, the people of said town voted to take stock in the Memphis, Clarksville and Louisville Railroad Company to the amount of one hundred thousand dollars; and the Mayor of said town, by direction of the Mayor and Aldermen of said town, in pursuance of said vote, did subscribe for said amount of stock in said company, one-third part thereof to be paid annually in the bonds of said corporation. And, whereas, the said bonds of the said town of Clarksville have been issued and paid to said railroad company, in discharge of said subscription, and are now held by different persons to whom the same have

Subscription by
corporation of
Clarksville.

been sold, and were taken by said persons under the belief that the act of the Legislature had authorized their issuance.

Be it enacted by the General Assembly of the State of Tennessee, That the Mayor and Aldermen of the town of Clarksville be, and they are hereby vested with full power and authority to ratify the former acts of the corporation authorities of said town in issuing said bonds, and if they think proper to do so shall, by an order to that effect entered upon the records of the corporation, give full effect and validity to said bonds; and the act of the said Mayor and Aldermen to this effect shall and may be as valid and binding as if said bonds had been properly executed and delivered.

SEC. 9. *Be it enacted,* That if said Mayor and Aldermen shall ratify and approve the issuance of said bonds, each holder thereof may, if he wishes to perpetuate the evidence thereof, deliver the bond or bonds held by him to the Treasurer, Recorder, or Mayor of said town, as the board of Aldermen may direct, and if the officer named shall return the same and write the word "*adopted*" on the back thereof, and sign his name thereto, the same shall be conclusive evidence of the proper delivery of the same to the holder in any action against said Mayor and Aldermen.

SEC. 10. *Be it enacted,* That said Mayor and Aldermen shall hold in trust for the use of the said, the \$100,000 of stock so procured in said railroad company: *Provided,* This act shall not be so construed as to release any lien the State may have on said road, nor shall this act be so construed as to grant any additional State aid other than is now provided for by law.

SEC. 11. *Be it further enacted,* That the surplus of bridge appropriation extended by the State by previous acts of Assembly to the Cincinnati, Cumberland Gap and Charleston Railroad Company, for the purpose of building bridges across the rivers Holston and Clinch, and granted by previous acts of Assembly to said company to use in the manner therein prescribed, shall be ascertained as follows, viz: The president of said company shall procure two competent engineers, who shall proceed to estimate the cost of the bridges to be erected across said rivers Holston and Clinch, which estimate shall be, upon oath, reported to the Governor of the State, and the estimate of the engineers shall be approved of by the Railroad Commissioner. Whereupon said railroad company, after deducting the estimated cost required to complete the bridges across said Holston and Clinch rivers, shall have the privilege of drawing the said

surplus of said bridge appropriations, and shall apply the same on that part of said road south of the East Tennessee and Virginia Railroad, and in the manner and for the use of said company as prescribed by the last act of Assembly in regard to said surplus, and it shall be the duty of the Governor, and he is hereby directed to issue the bonds of the State for the amount of said surplus whenever applied to by said company: *Provided*, No more appropriation is hereby extended not heretofore granted.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, February 1, 1860.

CHAPTER 46.

AN ACT to incorporate the La Guardo and Spencer's Lick Turnpike Company ; the Jasper and Pikeville Turnpike Company ; the Franklin and West Hapeth Turnpike Company ; the Franklin and Liberty Turnpike Company ; Christiansa and Dog Hollow Turnpike Company ; Christiansa and Millersburg Turnpike Company ; Reelfoot Lake Turnpike Company ; the Franklin and Eagleville Turnpike Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John T. Gleaves, W. B. Jennings, Thomas Everett, John B. Scoly, Thomas Bass, Josiah Smith Bemice, James H. Vaughn, John T. Harkrisden, Charles H. Oldham, Isaac B. Wright and Smith Bloodworth, be, and they are hereby appointed commissioners to open books to receive subscriptions for stock for the purpose of building a turnpike road from Wood's Ferry, in the county of Wilson, via La Guardo, Spencer's Lick, Smith's Mills, and Brett's Crossings, to intersect the Lebanon and Nashville turnpike road at or near the residence of Dr. John T. Gleaves. at such times and places as they may deem best, either in cash subscriptions or in work ; and all the above named persons be and they are hereby appointed a body politic and corporate, by the name and style of La Guardo and Spencer's Lick Turnpike Company, and by that name may sue and be sued, plead and be impleaded, have a common seal and a succession for twenty years.

La Guardo and
Spencer's Lick
Turnpike Com-
pany.

SEC. 2. *Be it enacted*, That the capital stock of said company shall not exceed fifteen thousand dollars, and any sum less that may be necessary to complete said road, to be divided into shares of twenty-five dollars each; and when

the sum of five thousand dollars shall be subscribed either in cash or work, to be applied to the erection of said road, a meeting of the stockholders shall be held at such time and place as a majority of them shall designate, due and timely notice being given thereof; and when so convened, shall proceed to elect seven directors, all being stockholders, who may elect a president, secretary and treasurer from their own body, and shall hold their respective offices for two years from the date of their election, and until their successors shall be elected.

SEC. 3. *Be it further enacted*, That the president and directors chosen as prescribed in the second section of this act, may proceed at such times as may suit their convenience, to lay off and locate said road, to the least injury of the farms along the route indicated in the first section of this act, with a view to the best interest of the public and the stockholders, and shall have full power to make contracts with any person or persons for clearing and opening and building said road.

SEC. 4. *Be it further enacted*, That said road shall be graded to within five degrees of a level, shall be opened thirty feet wide, graded twenty feet wide, and shall be graveled or McAdamized with rock or creek gravel, fourteen feet wide, ten inches in the centre, and brought down to five inches at each edge, and that said company shall build such bridges, culverts, and ditches, as shall be necessary to drain said road.

SEC. 5. *Be it further enacted*, That when said company shall have completed five miles of said road, either from Wood's Ferry or the point intersecting the Lebanon and Nashville turnpike road, they shall be entitled to erect a toll gate and charge toll: *And, provided further*, That when the entire road shall be completed, said company may erect a toll gate for every five miles completed, as herein provided, beginning at Wood's Ferry; and may be allowed the same rate of toll at their gates to be erected, as allowed by the act incorporating the Lebanon and Nashville Turnpike Company.

SEC. 6. *Be it enacted*, That said company shall be allowed four years to complete said road from and after the passage of this act.

SEC. 7. *Be it further enacted*, That this act shall take effect from and after its passage.

SEC. 8. *Be it enacted*, That James Worthington, Thomas N. Frazier, Joseph A. Tulloss, Isaac Robinson, James G. Spears, Thomas A. Pope, Samuel W. Robinson, William Rankin, James M. Stewart, Franklin Deakins, Jno. L. Stone, Josiah M. Anderson, Philip L. Daniel, Robert E. Davis, Henry T. Shelton, Jackson Pryor, A. A. Hyde

and H. A. Rutledge, or any five of them, are hereby appointed commissioners to open books and receive subscriptions of stock, for the purpose of building a turnpike road from Jasper to Pikeville; said commissioners to proceed therein at such times and places, as they may think best, and to take said subscriptions payable in cash, work or necessary material.

Jasper and Pike-
ville Turnpike
Company.

SEC. 9. *Be it enacted*, That the capital stock of said road shall be forty thousand dollars, divided into shares of twenty-five dollars each, with the privilege of increasing said stock to any amount necessary for the completion of said road.

SEC. 10. *Be it enacted*, That when ten thousand dollars of the stock of said road shall have been subscribed for in cash, labor or material, any five of said commissioners may call a meeting of the stockholders of said company, at the Academy buildings, or other suitable place at Dunlap, in the county of Sequatchie, by giving the stockholders notice of the time and place of meeting; a majority of shares being present in person or by written proxy, the stockholders shall proceed to elect from their number, seven directors, and a president, from among the directors, who shall hold their offices for twelve months, and until their successors are appointed and qualified.

SEC. 11. *Be it enacted*, That said president and directors shall be, and are hereby made a body politic and corporate, by the name and style of the Jasper and Pikeville Turnpike Company, and by that name may sue and be sued, contract and be contracted with, have a common seal, and enjoy perpetual succession.

SEC. 12. *Be it enacted*, That said president and directors shall have power:

1. To choose from their number a secretary and treasurer, and such other agents and servants not of their number as may be required.

2. To make all such by-laws as are necessary for carrying out the objects of said company, not inconsistent with this act of incorporation or in violation of the laws of the land.

3. To lay off and locate said road on the cheapest, most direct and practicable route from one terminus to the other.

4. To procure additional subscriptions for stock to an amount requisite for constructing the road.

5. To let out and put under contract said road in parcels, great or small, as they may deem best for contractors, and at any point upon the line; and they may stipulate to pay

such contractors in cash, material or stock in the company, in whole or part.

6. To regulate calls for the payment of stock subscribed.

7. To make such regulations for ascertaining the value of labor performed upon the road, or materials furnished for its construction, as they may deem fit.

8. To do all other acts incident to the powers herein granted.

SEC. 13. *Be it enacted*, That the first election of directors may be held at any time, after the requisite amount of stock shall have been subscribed, upon due notice; and that thereafter the election for directors shall be held on the second Monday in April. Five of the first, or any subsequent directory, shall constitute a quorum to transact business.

SEC. 14. *Be it enacted*, That said road shall be graded at least twenty-five feet wide, and within four degrees of a level, ditches on each side, so as to effectually drain the road, and to be provided with all necessary bridges and culverts, substantially built, and above high water mark; the road bed to be sixteen feet wide, one foot higher in the middle, to be constructed of stone, creek bed or ridge gravel, or plank without any central elevation, or any other material that will make a good substantial road, which will afford facilities of travel at any season of the year, over any part of the road; and when said road is so constructed, said company shall be allowed the same rates of toll as provided in the 19th section of the act of February 7th, 1850, chapter 72.

SEC. 15. *Be it enacted*, That when five miles of said road is completed, from either terminus, said company may erect a toll gate upon the same, and receive toll; but no gate shall be erected within a less distance than one mile from either the towns of Jasper or Pikeville, and said company are authorized to erect one gate for each additional five miles, as the same may be completed.

SEC. 16. *Be it enacted*, That the fifth, sixth, eighth, ninth, thirteenth, fourteenth, sixteenth, seventeenth and twentieth sections of an act, passed February 7th, 1850, chapter 72, entitled an act to authorize the formation of Turnpike Companies, and the second, seventh, tenth, eleventh, twelfth, thirteenth and fourteenth, sections of the act, passed January 10, 1854, chapter 90, amendatory of the before mentioned act, be, and the same are hereby adopted so far as the same are consistent with the other provisions of this charter.

SEC. 17. *Be it enacted*, That if said company shall not begin said road within one year, and shall not complete the

same within five years after the passage of this act in the manner herein directed, this charter shall be void, unless further time be allowed for building the road.

SEC. 18. *Be it enacted*, That this act shall take effect from and after its passage.

SEC. 19. *Be it enacted by the General Assembly of the State of Tennessee*, That William A. Boyd, John Gray, Samuel F. Glass, Joseph Scruggs, Philip H. Cook, Mark L. Andrews, W. P. Campbell, Lewis O. Johnson and P. W. Moss, of Williamson county, be, and they are hereby appointed commissioners to open books at any time and place they may choose, for the purpose of receiving subscriptions for stock to be applied in constructing a McAdamized turnpike road from Franklin to a point on the Hillsboro' and Nashville Turnpike road, near Henry Gray's, with the power of extending said turnpike road to the foot of the ridge, near William A. Bingham's.

SEC. 20. That the capital stock of said company shall be a sufficient sum to construct said road, not to exceed twenty thousand dollars, divided into shares of twenty-five dollars each.

SEC. 21. That as soon as two thousand dollars of said stock is subscribed for, a meeting of the subscribers shall be held at Franklin; of the time and place of which meeting, said company, or at least two of said commissioners, shall give ten days' notice by advertisement in some newspaper published in the town of Franklin; and after the first meeting shall be held, they are hereby constituted a body politic and corporate, by the name of the Franklin and West Harpeth Turnpike Company, and shall so continue, and as such may sue and be sued, plead and be impleaded, answer and be answered, sell and purchase, have a common seal, and do any and all acts necessary to carry out the full objects of said company.

Franklin and
West Harpeth
Turnpike Com-
pany

SEC. 22. That persons subsequently may subscribe and take so much of said road, designating the part and distance of the road so taken, which part so taken, shall be built by him or them so subscribing, in good and substantial manner and according to the requirements of this charter, and persons may subscribe for stock in said road to be paid in money or in labor.

SEC. 23. That at the first meeting of said commissioners and subscribers, the subscribers for stock in said road shall elect seven stockholders in said company as directors of said company, who shall appoint one of their body president of the board, who shall hold their office two years and until their successors are elected. The president and directors shall have power to designate the time and place

of meeting and to appoint such officers and agents as may be necessary to transact the business of the company, and to prescribe their duties and fix their salaries; and ten days' notice in some newspaper in Franklin shall be given of the time and place of the election of directors for said company.

SEC. 24. That the president and directors may, in such manner as they think best, solicit and procure additional subscription for stock, and said additional stock may be subscribed for in so many shares of said stock, to be paid in money or labor, or to build so much, or such part of said turnpike road, and shall either by themselves or some competent person or persons appointed by them, mark, lay out and locate said road, commencing at the corporate limits of the town of Franklin and running west or westwardly on the bed of the public road leading from Franklin to Smith's Springs, or running the same in such place as said directors may think best to appoint, near Henry Gray's, on the Nashville and Hillsboro' turnpike road as aforesaid.

SEC. 25. That the president and directors shall have power to let out and put under contract the building of said turnpike road, in parcels, great or small, as they may think best, to contractors, for money or for stock in said company.

SEC. 26. That said road shall be opened twenty-five feet wide, and the president and directors shall cause said road to be graded twenty-five feet wide, and within five degrees of a level, covered with fine beaten stone or gravel, sixteen feet wide and nine inches deep, with suitable ditches or drains on each side.

SEC. 27. That whenever said road shall be completed for four miles, commencing at Franklin, the said company shall have power to erect one toll gate: *Provided*, No gate shall be erected nearer than one mile of the town of Franklin.

SEC. 28. That when such part of said road as shall be built by stockholders so subscribing, to build so much of said road in work, the president and directors shall endeavor to fix upon the value of the work done upon said road by said stockholders or contractors, and if the president and directors and said stockholders or contractors can not agree as to the value of the work done on the road, then three free-holders, unconnected with the parties, shall be appointed by the president and directors, and two free-holders by said stockholders or contractors, who, as valuers shall proceed to value the work so done, and that valuation shall be placed upon the books of the company, and constitute so much stock in said turnpike road, belonging to the stockholders or contractors, or his assigns, and said company

shall issue certificates of stock to such stockholders of the amount of the valuation as aforesaid.

SEC. 29. That said company, when formed, shall have all the powers, privileges, rights, and immunities, and be subject to the same regulations and restrictions given by law to the Nolensville Turnpike Company, and the Franklin and Carter's Creek Turnpike Company, which are not inconsistent with the provisions of this charter, except that the State of Tennessee shall not be liable for any portion of the stock of said company.

SEC. 30. That said company may demand and receive the same toll the Nolensville Turnpike Company are allowed to receive by law.

SEC. 31. That the rights, privileges, powers and immunities granted in this act shall continue ninety-nine years to said stockholders, and their successors and their heirs and assigns.

SEC. 32. That said company are allowed two years from and after the passage of this act in which to begin the work on said road, and are allowed six years from the passage of this act in which to complete said turnpike road.

SEC. 33. *Be it further enacted*, That all laws coming in conflict with this act are hereby repealed, so far as the same in any way conflicts with this act.

SEC. 34. *Be it further enacted*, That John Edmondson, Joshua W. Owens, Freeman W. Jordan, R. B. Carothers, Thomas Buchanan, Dr. D. B. Cliffe, Wm. Hodges, Robert S. Buchanan, John W. Harvey, W. H. S. Hill and Frank M. Wilson, be, and they are hereby appointed commissioners to open books at any time and place they may choose, for the purpose of receiving subscriptions for stock to be applied in constructing a McAdamized turnpike road from Franklin to a point on the Harpeth turnpike, at or near the Boiling spring.

SEC. 35. That the capital stock of said company shall be a sufficient sum to construct said road, not to exceed twenty-thousand dollars, divided into shares of twenty-five dollars each.

SEC. 36. That as soon as two thousand dollars of said stock is subscribed for, a meeting of the subscribers shall be held at Franklin, of the time and place of which meeting said company, or at least two of said commissioners shall give ten days' notice by advertisement in some newspaper published in the town of Franklin, and after the first meeting shall be held they are hereby constituted a body politic and corporate, by the name of the Franklin and Liberty Turnpike Company, and shall so continue, and as

Franklin and
Liberty Turn-
pike Company.

such may sue and be sued, plead and be impleaded, answer and be answered, sell and purchase, have a common seal, and do any and all acts necessary to carry out the full objects of said company.

SEC. 37. That persons subscribing, may subscribe and take so much of said road, designating the part and distance of the road so taken, which part so taken shall be built by him or them so subscribing, in good and substantial manner, and according to the requirements of this charter, and persons may subscribe for stock in said road to be paid in money or labor.

SEC. 38. That at the first meeting of said commissioners and subscribers, the subscribers for stock in said road shall elect seven stockholders in said company as directors of said company, who shall appoint one of their body president of the board, who shall hold their office two years and until their successors are elected. The president and directors shall have the power to designate the time and place of meeting and to appoint such officers and agents as may be necessary to transact the business of the company, and to prescribe their duties and fix their salaries, and ten days' notice in some newspaper in Franklin shall be given of the time and place of the election of directors for said company.

SEC. 39. That the president and directors may, in such manner as they think best, solicit and procure additional subscriptions for stock, and additional stock may be subscribed for in so many shares of said stock, to be paid in money or labor, or to build so much or such part of said turnpike road, and shall, either by themselves or some competent person or persons, appointed by them, mark, lay out and locate said road, commencing where the Liberty road leaves the Nashville and Franklin turnpike, between the lands of A. Truett and William M. Wright, and running east or eastwardly on the bed of the public road, leading from Franklin to the Harpeth pike, or running the same in such place as said directors may think best to a point on the Harpeth pike, near the Boiling spring, with the privilege of extending said Harpeth turnpike in the direction of the Liberty meeting-house.

SEC. 40. That the president and directors shall have power to let out and put under contract the building of said turnpike road, in parcels great or small, as they may think best, to contractors for money or stock in said company.

SEC. 41. That said road shall be opened twenty-five feet wide, except where the said Franklin and Liberty Turnpike

road passes the viaduct of the Tennessee and A. R. R., and the president and directors shall cause said road to be graded twenty feet wide, and nine inches deep, with suitable ditches or drains on each side.

SEC. 42. That whenever said road shall be completed for four miles, commencing where the Liberty road leaves the Nashville and Franklin turnpike, the said company shall have power to erect one toll-gate: *Provided*, No gate shall be erected nearer than one mile of the town of Franklin.

SEC. 43. That when such part of said road as shall be built by stockholders so subscribing to build so much of said road in work, the president and directors shall endeavor to fix upon the value of the work done upon said road by said stockholders or contractors, and if the president and directors and said stockholders or contractors cannot agree as to the value of the work done on said road, then three freeholders, unconnected with the parties, shall be appointed by the president and directors, and two freeholders by said stockholders or contractors, who, as valuers, shall proceed to value the work so done, and that valuation shall be placed upon the books of the company and constitute so much stock in said turnpike road, belonging to the stockholders or contractors, or his assigns, and said company shall issue certificates of stock to such stockholders of the amount of the valuation as aforesaid.

SEC. 44. That said company, when formed, shall have all the powers, privileges, rights and immunities, and be subject to the same regulations and restrictions given by law to the Nolensville Turnpike Company and the Franklin and Carter Creek Turnpike Company, which are not inconsistent with the provisions of this charter, except that the State of Tennessee shall not be liable for any portion of the stock of said company.

SEC. 45. That said company may demand and receive the same toll the Nolensville Turnpike Company are allowed by law to receive.

SEC. 46. That the rights, privileges, powers and immunities granted in this act shall continue for ninety-nine years to said stockholders and their successors and their heirs and assigns.

SEC. 47. That said company are allowed two years from and after the passage of this act, in which to begin the work on said road, and are allowed six years from the passage of this act, in which to complete said turnpike road.

SEC. 48. *Be it further enacted*, That all laws coming in conflict with this act are hereby repealed, so far as the

same in any way conflicts with this act, and that these acts of incorporation take effect from and after their passage.

Christiana and
Dug Hollow
Turnpike Co.

SEC. 49. *Be it enacted*, That the subscribers of stock for building a road from Christiana, on the Nashville and Chattanooga railroad, in Rutherford county, to Dug Hollow, in Coffee county, as in this act provided, shall constitute a body politic and corporate, by the name and style of the Christiana and Dug Hollow Turnpike Company.

SEC. 50. *Be it further enacted*, That the capital stock of said company shall be five thousand dollars, in shares of twenty-five dollars each, but if a greater sum become necessary for them to complete the road, the Board of Directors may raise the capital to the necessary amount : *Provided*, It shall not exceed thirty thousand dollars.

SEC. 51. *Be it further enacted*, That James S. Lyon, Lewis Garner, G. B. White, Clinton Jacobs, Felix G. Miller, Thos. H. Jamison, Alfred P. Lowe, G. B. Messick and James Lawrence are hereby appointed to receive subscriptions to the capital aforesaid.

SEC. 52. *Be it further enacted*, That as soon as two thousand dollars of stock is subscribed, the commissioners shall appoint a meeting of the subscribers at Christiana, or Big Spring, in Rutherford county, giving said subscribers due notice of said meeting; the stockholders, or as many of them as may assemble, shall elect seven directors, each of whom shall be a stockholder; each shall have as many votes as he has shares, as well in the election of directors as in all other matters in which, by this act, he may be entitled to vote; he may vote in person or by proxy, the proxy to be a stockholder, authorized in writing conferring the general power to vote as his representative, or a special power to vote in the particular way directed.

SEC. 53. *Be it further enacted*, That the directors first elected shall continue in office for twelve months, and ever afterwards elections shall be held on the same day every year, either at Big Spring or Christina, unless a majority of the stockholders shall at any meeting designate a different place for the succeeding election. If at any time there should be a failure to make an election at the regular time, the directors in office shall continue in office until their successors are elected.

SEC. 54. *Be it further enacted*, That when assembled upon every occasion as aforesaid, in pursuance of the call of the directors, the stockholders may decide upon any matter of interest to the committee, and the directors shall carry the same into effect.

SEC. 50. *Be it further enacted*, That to constitute a quorum at any meeting of the stockholders, a majority of shares shall be represented: *Provided*, That the directors shall call meetings of the stockholders whenever, in their opinion, the interests of the company may require it, and that five directors shall constitute a quorum for business.

SEC. 51. *Be it further enacted*, That on the election of the first directors they shall proceed to receive subscriptions for the necessary amount of stock, have the road surveyed, and do whatever else that may be necessary and proper to have said road built; they shall elect one of their number president, and elect such other officers as they may think necessary for the proper management of the officers of said company.

SEC. 52. *Be it further enacted*, That not more than five dollars on each share shall be called at any one time, of which the stockholders shall have twenty days' notice.

SEC. 53. *Be it further enacted*, That if any stockholder shall fail to pay any call, his stock may be sold by order of the directors, for the amount of the call or calls that may be due; and the purchaser of it shall have all the rights and be subject to all the liabilities of the original subscribers; if it does not bring one hundred cents in the dollar, the original holder shall be liable to suit for the balance; and it shall be the duty of the president of the board to cause suit to be forthwith instituted for the collection of said balance under the penalty of himself being personally liable for said balance, unless by order of the board not to institute such suit.

SEC. 54. *Be it further enacted*, That timber, gravel, stone, or either, may be taken by said company or its agents from any lands adjacent or convenient to the road, for the making or repairing of said road; or if any damages are claimed therefor, they shall be recovered as provided for in section thirteen; *Provided further*, That the president and directors may purchase and hold twenty-five acres adjacent to each toll gate.

SEC. 55. *Be it further enacted*, That said commissioners may open books at Christiana and Big Spring, and such other place or places as they may think expedient, to receive subscription for stock in said road, whenever they choose, either in money or work to be done on the road, and whenever the amount is subscribed as provided for in the second section of this act, the commissioners shall lay off and mark out said road, or cause the same to be done by competent persons, beginning at Christiana and running in an eastward direction, intersecting the Dug Hollow road

near the residence of James Lawrence in Coffee county. Said commissioners shall run the most practicable route between the two places above mentioned: *Provided, however,* They shall make Big Spring, in Rutherford county, a point in said road, and may be allowed to run far enough south to make New Millersburg also a point on the road.

SEC. 56. *Be it further enacted,* That the road shall be graveled with one coat of gravel fourteen feet wide, and another coat of gravel eight feet wide, either coat to be six inches thick, and shall be graded as second class turn-pikes are usually graded in this State, and shall be cleared of timber eight feet on either side of said road, and they shall be required to cut ditches and make culverts where it is necessary: *Provided, however,* Said company shall be allowed to gravel said road, where it is convenient, with creek, river or hill gravel; and that they shall not be compelled to make bridges where it is not necessary, but shall dig down and gravel the banks of any stream or streams that may have to be crossed on the line of said road.

SEC. 57. *Be it further enacted,* That the company shall be entitled to one gate for every five miles of road, and when five miles of the road are completed, commencing at Christiana, they may be allowed to erect a toll-gate not to be placed in less than one-half mile of Christiana.

SEC. 58. *Be it further enacted,* That the toll shall be as follows at each gate: One cent per head for hogs or sheep; two cents per head for cattle, horses or mules in droves; for horses and mules not in drove nor employed in drawing, five cents per head, whether mounted or not; for every loaded wagon, twenty-five cents; for every empty wagon, ten cents; every loaded cart, ten cents; every empty cart, five cents; for buggies, barouches, carriages, and other two-horse vehicles used as pleasure carriages, twenty-five cents; for one-horse buggies, ten cents; every loaded two-horse wagon fifteen cents; empty two-horse wagon, ten cents.

SEC. 59. *Be it enacted,* That no one shall be at liberty to pass any gate without paying the toll to which he is liable; or if he does the gate-keeper may sue him in the name of the company before any Justice of the Peace, and recover five dollars in addition to the amount of toll for which he is liable, and the said person or persons refusing to pay toll shall be liable for all costs that may accrue.

SEC. 60. *Be it further enacted,* That on information given by any person, on oath, to any Justice of the Peace, that the road has been twenty days out of repair, the Jus-

tice shall issue a warrant to a sworn constable or the sheriff, against the nearest gate-keeper or the president of the directory, to appear before him at the time and place therein specified, and also commanding him to summon three freeholders to appear before him at the time and place to investigate the complaints; if they find it true, the Justice of the Peace shall give judgment that the nearest gate or the nearest gates, in his discretion, shall be open and charge no toll until the road is duly repaired, and also for the cost of the proceedings; on due proof before the Justice that the road is repaired, he shall order that the gate be again closed.

SEC. 61. *Be it further enacted*, That the officers and Justice shall be entitled to the same fees as for similar services, and the jurors, as provided for in this act, shall be entitled to one dollar each.

SEC. 62. *Be it further enacted*, That the stockholders, at their first meeting herein provided for, in this act, or at any subsequent meeting, may determine whether they will receive subscriptions for stock payable in work on the road or not, which determination shall be noticed on the books of the company, and shall be binding on the company.

SEC. 63. *Be it further enacted*, That the directors or stockholders, when assembled, shall have the power to pass all necessary by-laws, and that the company shall have seven years to build said road.

SEC. 64. *Be it further enacted*, That all persons who may become stockholders pursuant to this act shall be, and they are hereby constituted a body politic and corporate, by the name and style of the Christiana and Dug Hollow Turnpike Company, and by that name may sue and be sued, plead and be impleaded, and have and enjoy all the rights and privileges appertaining to bodies politic and corporate by law and shall have succession for ninety-nine years.

SEC. 65. *Be it further enacted*, That the said company shall be allowed to stop said road at Big Spring, and in the event that Big Spring shall be the terminus of said road, then the name and style of said company shall be changed to Christiana and Big Springs Turnpike Company, and shall be allowed all the rights, privileges and immunities that are herein given to the Christiana and Dug Hollow Turnpike Company.

SEC. 66. *Be it further enacted*, That all persons who shall become stockholders pursuant to this act, shall be, and they are hereby constituted a body politic and corporate by the name and style of the "South Harpeth and Cen-

South Harpeth
and Centreville
Turnpike Co.

treville Turnpike Company;" that by that name may sue, and be sued, plead and be impleaded, and have and enjoy all the rights, privileges and powers appertaining to bodies politic and corporate by law for ninety-nine years.

SEC. 67. *Be it further enacted*, That James L. Greer, W. G. Smith, George Greer, Skelton DeMoss, Alex. Allison, John M. Joslin, Thomas J. Allison, John S. Pritchard, Johnson Vaughn, and Samuel May, sr., or any five of them, be, and they are hereby appointed Commissioners to open books and to receive subscription for stock in said company, at such times and places as they may think best, either publicly or privately.

SEC. 68. *Be it further enacted*, That the capital stock of said company may amount to twenty-five thousand dollars, or any less sum that may be subscribed, to be divided into shares of twenty-five dollars each, to be applied to the making of said turnpike road, commencing at the present termination of the Richland Turnpike road, in Davidson county, and extending as far as Centreville, Hickman county, if sufficient amount of money for that purpose; and if sufficient, then to be extended toward said town, not less than five miles from the termination of said Richland Turnpike Company.

SEC. 69. *Be it further enacted*, That so soon as five thousand dollars in stock shall be subscribed, the stockholders shall meet in the city of Nashville, after giving ten days' notice to all subscribers, and proceed to elect five directors, any three of whom may transact business, who shall elect one of their own body president, and such other officers as may be necessary, and pass by-laws and fully organize said company; and each stockholder shall be entitled to one vote for each share of stock he may own in said road, and the said president and directors, or a majority of them, when elected, shall proceed to locate said road according to the — section of this act.

SEC. 70. *Be it further enacted*, That said road shall be graded at least twenty feet wide, with a grade of not to exceed five degrees, with sufficient ditches to carry off the water, and paved with gravel or stone, where necessary, fifteen feet, and substantial bridges, except across South Harpeth; and the said president and directors shall designate when it is necessary to pave said road with gravel or stone and when bridges shall be built.

SEC. 71. *Be it enacted*, That said company shall have two years from the passage of this act to commence said road, and five years thereafter within which to complete said road, with the privilege that so soon as the first mile

shall be completed, beginning at the termination of the Richland turnpike road, the company may erect upon the road a toll-gate and the charges shall not be more than one fifth the amount paid on similar turnpikes in the State; the second, third, fourth and fifth may be built upon the same plan, and charges made for travel in proportion to the distance, and when any five miles are completed said company may erect and maintain one toll-gate upon said five miles, and be entitled to but one upon the same, and shall charge the same tolls as allowed by law upon similar roads in the State.

SEC. 72. *Be it further enacted*, That John H. Baugh, B. G. White, Thomas H. Jamison, H. H. White, P. K. Runnels, John F. Hewland, Frank Prewett, Henry Prewett and Thomas Cooper, any five of them may act, be, and they are hereby appointed commissioners to open books for subscription of stock at Christiana, or at White's store, for the purpose of building a turnpike road from Christiana, on the Nashville and Chattanooga Railroad, in the county of Rutherford, to White's store, which is usually called Millersburg, in the said county of Rutherford; and when fifteen hundred dollars in stock is subscribed, in shares of twenty-five dollars each, payable either in work or money as may be agreed upon, a meeting of the stockholders shall be called at Christiana, of which twenty days' notice shall be given, at which meeting five of their number shall be elected directors, which shall constitute a board, and one of their number shall be chosen by the board of directors president, and said president and directors, and their successors in office, shall be, and they are hereby constituted a body politic and corporate, by the name and style of the Christiana and Millersburg Turnpike Company, and shall so continue, and may own, buy and sell property, may sue and be sued, plead and be impleaded in all the courts of this State or elsewhere, and shall be entitled to all the rights, powers and privileges, and subject to the same limitations and restrictions which are granted, conferred and imposed upon the Christiana and Dug Hollow Turnpike Company.

Christiana and
Millersburg
Turnpike Co.

SEC. 73. *Be it further enacted*, That the Christiana and Millersburg Turnpike Company shall have power to erect one toll-gate, upon said road, not to be placed nearer than three-quarters of a mile of Christiana, the western terminus of said road, and that the said company shall not be bound to build any bridges on said road, but shall be required to make all necessary culverts.

SEC. 74. *Be it further enacted*, That they shall have the same powers in fixing the rate of toll and be subject to the same liabilities which are prescribed in an act chartering the Christiana and Dug Hollow Turnpike Company,

Clarksville and
Port Royal
Turnpike Com-
pany.

SEC. 89. *Be it further enacted*, That the Clarksville and Port Royal Turnpike Company may remove its toll-gate from its present location to any other point on the road: *Provided*, It shall not be located nearer Clarksville than it is at present.

SEC. 90. *Be it further enacted*, That the charter of the Nashville and Nolensville Turnpike Company be so altered or amended as to allow the directors of said company to meet on the second Monday in January, in each and every year, instead of the first Monday in January, as now required by the said charter.

Nashville and
Nolensville
Turnpike Com-
pany.

SEC. 91. *Be it further enacted*, That the said Nashville and Nolensville Turnpike Company be authorized to erect their second gate at the junction of the Owen and Winstead turnpike road, near the seven mile creek, and that the said Owen and Winstead Turnpike Company be authorized to join the said Nashville and Nolensville Company in erecting a gate-house for the benefit of said companies at the junction of said roads, and employ a gate-keeper jointly to keep the said gates in said roads at said junction: *Provided*, Said companies can agree in erecting said toll-house and employing said gate-keeper for said roads.

SEC. 92. *Be it further enacted*, That section 12, of the act passed on the 19th of March, 1858, chapter 70, be so amended as to authorize said Turnpike Company to sell said road in two separate parts, one beginning at the junction of the said road with the Buena Vista road, and extending to the end of said road, on the top of the ridge, and the other point beginning at the same point, and extending to the end of the road next to Nashville.

Shelbyville,
Richmond, Pe-
tersburgh and
Fayetteville
Turnpike Com-
pany.

SEC. 93. *Be it further enacted*, That the charter of the Shelbyville, Richmond, Petersburg and Fayetteville Turnpike Company, be rescinded, and that the name of said company be changed to that of the "Shelbyville, Richmond and Petersburg Turnpike Company," and that they have the same power and privileges of building their road so far south of Petersburg, or to be fifteen miles long so as to have three gates on said road.

SEC. 94. *Be it further enacted*, That the charter be so amended as to have five instead of seven directors to be elected by the present owners of said road, to wit: R. Smith, George W. Gun, James Hester, A. A. Gun, Jacob Gillispie and David R. Smyth.

SEC. 95. *Be it further enacted*, That the road be so constructed as not to exceed five degrees in the grade, now existing on the part of the road already built: the State hereby gives her consent to the grade of the road already constructed.

SEC. 96. *Be it further enacted*, That the present owners of said road shall go on and complete said road, according to the provisions of the charter heretofore granted said company, and acts amendatory thereto, within five years from the passage of this act.

SEC. 97. *Be it further enacted*, That said company have the privilege and power to change the location of the present gates on said road, to such other points as the directors may direct, so as not to be more than one for each five miles of said road.

SEC. 98. *Be it enacted*, That Frank Hardeman, Sam'l. Henderson, Thos. Freeman, J. Barnes, G. McConnico, Henry Merritt, J. Anderson, Geo. Andrews, Wm. Robinson, Wm. Vaden, A. Boyd, E. S. B. Gocy, Thomas Helm, John C. Helm, Thomas S. Gray, Dr. A. Reid, M. G. Gocy, P. Shalborne, C. G. Smithson, G. McJerden, Wm. Parish, Samuel Fleming, S. W. Smithson, W. Jones, E. F. Edwards, G. Kernard, A. W. Hatcher, J. J. Crowden, G. G. Hall, G. Lane, W. J. Pitway, Samuel Stegall, William Lester, William Bucker, William Barns, D. Pinkston, Wm. Demembran, Joseph Demembran, W. T. Demembran, Dr. W. G. Owen, W. N. Haley, W. Lanier, Adam White, Martin White, Thomas White, J. M. White, William Allison, Johnson Jordan, Jr., S. B. Wilson, Josiah Wilson, Wm. McDowell, Ely Dodson, J. A. Johnson and Chesley Williams, of Williamson county, be, and they are hereby appointed commissioners to open books at any time and place they may choose, or procure stock by subscription to be used in the construction of a McAdamized turnpike road commencing at the Franklin and Lewisburg turnpike, near or not exceeding one mile from Douglas' church, running thence to Peytonville, and then the most practicable route to Eagleville, in Williamson county, or to the western terminus of the Eagleville and Salem turnpike west of Eagleville.

SEC. 99. *Be it enacted*, That the capital stock of said company shall be a sufficient sum to construct said road not to exceed thirty-five thousand dollars, divided into shares of twenty-five dollars, and each share shall entitle the owner to one vote for locaters and directors.

SEC. 100. *Be it enacted*, That as soon as ten thousand dollars of said stock of said road shall be subscribed for in cash, or labor, any five or more of said commissioners shall call a meeting of the stockholders of said company at Peytonville, or Wesley's chapel, in Williamson county, by giving fifteen days' notice of the time and place of meeting, in some newspaper published in the county of Williamson, and written notices on the route; and at such meeting

the subscribers for stock in said road may elect five commissioners, whose duty it shall be to locate said road, and shall also elect five directors, one of whom shall be president, another Secretary, and another treasurer, who shall hold their office for two years and until their successors are elected in their places, and that the president shall give notice of the time and place of the election of directors.

SEC. 101. *Be it enacted*, That the president and directors shall cause said road to be graded and bedded twenty-four feet or more wide, with sufficient ditches, culverts and bridges, the first coat of stone to be eighteen feet wide six inches thick, nine feet in the centre, of which may be made with fine sprawled stone, six inches thick; the second coat of stone or gravel, to be nine feet wide, six inches thick; the last coat of stone to be broken of the size not exceeding half pound in weight, and the grade shall not exceed an angle of five degrees with the horizon.

SEC. 102. *Be it enacted*, That the said president and directors shall be, and they are hereby made a body politic and corporate, may sue and be sued, plead and be impleaded, by the name and style of the Franklin and Eagleville Turnpike Company, and shall have all the privileges, rights and powers, and be subject to all the duties and liabilities of the Eagleville and Salem Turnpike Company.

SEC. 103. *Be it enacted*, That as soon as said company shall have completed five miles on either end of said road, they may erect a toll-gate at such place as the president and directors may think best, and may demand and receive the same tolls and fees as the Eagleville, and Salem Turnpike Company are allowed, and may continue to erect a gate and receive tolls for every additional five miles, as fast as the same is completed; no gate to be placed nearer than four miles of each other, or nearer than one and a half miles of Eagleville; and no call for stock shall be made for more than five dollars on the share at a time, and not oftener than once in six months.

SEC. 104. *Be it enacted*, That for the purpose of making and keeping in repair said road, the directors and contractors, may cut, dig and quarry and take from the lands of any person within one mile of said road, such and so much timber, rock, earth and gravel, as may be necessary for said purposes, and if any person or persons from whose lands such materials may be taken shall desire compensation therefor, he, she or they may apply to any justice of the peace in the county, who shall appoint three disinterested freeholders for the purpose of valuing such timber, stone, or gravel, and they shall grant a certificate upon oath to the injured party or parties, and the amount or amounts

may be collected from said company before any tribunal having cognizance thereof.

SEC. 105. *Be it enacted*, That section 11th of an act passed 25th day of January, 1848, entitled an act to incorporate the Montgomery Turnpike Company, and for other purposes, be so amended as to increase the capital stock of the Hyde's Ferry Turnpike Company, to any sum that may be subscribed, not exceeding fifty thousand dollars, and said capital stock so increased shall be divided into shares of twenty-five dollars each.

Hyde's Ferry
Turnpike Com-
pany.

SEC. 106. *Be it enacted*, That Stone's River Turnpike Company be allowed five years longer time to comply with the terms of their charter, in building the road of said company.

SEC. 107. *Be it further enacted*, That the Nashville and Lebanon turnpike road and the Nashville and Murfreesboro' turnpike road be allowed to take stock in said Stone's River Turnpike Company, in a sum not exceeding one hundred dollars each.

SEC. 108. *Be it enacted*, That C. C. Clay, Ephriam Harrell, William A. Johnson, H. M. Klice, John W. Evans, J. F. Sinclair and William Craig, and all other persons who may become stockholders pursuant to the provisions of this act, shall be and they are hereby constituted a body corporate and politic by the name and style of the Belleville, Cageville and Friendship Plank Road Company, and by that name may sue and be sued, plead and be impleaded, shall have a corporate seal and succession for ninety-nine years.

Belleville, Cage-
ville and Friend-
ship Turnpike
Company.

SEC. 109. *Be it enacted*, That the persons named in the first section of this act, or any five of them, are hereby appointed commissioners to open books, to receive subscriptions for stock in said company, at such times and places as they may deem most suitable; said books to be opened within twelve months from the passage of this act, and commissioners are authorized to receive such subscriptions in money, material or labor, to be valued at cash valuation, by disinterested persons appointed by the parties concerned, and such valuation shall be deemed as so much stock in said company. If the whole extent of said road shall not be taken in labor and materials, the residue may be let out for construction to the lowest bidder, at public or private lettings, by directors elected by the stockholders or other authorized person or persons.

SEC. 110. *Be it enacted*, That the capital stock of said company shall be one hundred thousand dollars, with the privilege of increasing the same to an amount sufficient to complete said road; and that said capital stock to be divided into shares of twenty-five dollars each, to be applied in the

South Harpeth
and Centreville
Turnpike Co.

treville Turnpike Company;" that by that name may sue and be sued, plead and be impleaded, and have and enjoy all the rights, privileges and powers appertaining to bodies politic and corporate by law for ninety-nine years.

SEC. 67. *Be it further enacted*, That James L. Greer, W. G. Smith, George Greer, Skelton DeMoss, Alex. Allison, John M. Joslin, Thomas J. Allison, John S. Prichard, Johnson Vaughn, and Samuel May, sr., or any five of them, be, and they are hereby appointed Commissioners to open books and to receive subscription for stock in said company, at such times and places as they may think best, either publicly or privately.

SEC. 68. *Be it further enacted*, That the capital stock of said company may amount to twenty-five thousand dollars, or any less sum that may be subscribed, to be divided into shares of twenty-five dollars each, to be applied to the making of said turnpike road, commencing at the present termination of the Richland Turnpike road, in Davidson county, and extending as far as Centreville, Hickman county, if sufficient amount of money for that purpose; and if sufficient, then to be extended toward said town, not less than five miles from the termination of said Richland Turnpike Company.

SEC. 69. *Be it further enacted*, That so soon as five thousand dollars in stock shall be subscribed, the stockholders shall meet in the city of Nashville, after giving ten days' notice to all subscribers, and proceed to elect five directors, any three of whom may transact business, who shall elect one of their own body president, and such other officers as may be necessary, and pass by-laws and fully organize said company; and each stockholder shall be entitled to one vote for each share of stock he may own in said road, and the said president and directors, or a majority of them, when elected, shall proceed to locate said road according to the — section of this act.

SEC. 70. *Be it further enacted*, That said road shall be graded at least twenty feet wide, with a grade of not to exceed five degrees, with sufficient ditches to carry off the water, and paved with gravel or stone, where necessary, fifteen feet, and substantial bridges, except across South Harpeth; and the said president and directors shall designate when it is necessary to pave said road with gravel or stone and when bridges shall be built.

SEC. 71. *Be it enacted*, That said company shall have two years from the passage of this act to commence said road, and five years thereafter within which to complete said road, with the privilege that so soon as the first mile

shall be completed, beginning at the termination of the Richland turnpike road, the company may erect upon the road a toll-gate and the charges shall not be more than one fifth the amount paid on similar turnpikes in the State; the second, third, fourth and fifth may be built upon the same plan, and charges made for travel in proportion to the distance, and when any five miles are completed said company may erect and maintain one toll-gate upon said five miles, and be entitled to but one upon the same, and shall charge the same tolls as allowed by law upon similar roads in the State.

SEC. 72. *Be it further enacted*, That John H. Baugh, B. G. White, Thomas H. Jamison, H. H. White, P. K. Runnels, John F. Hewland, Frank Prewett, Henry Prewett and Thomas Cooper, any five of them may act, be, and they are hereby appointed commissioners to open books for subscription of stock at Christiana, or at White's store, for the purpose of building a turnpike road from Christiana, on the Nashville and Chattanooga Railroad, in the county of Rutherford, to White's store, which is usually called Millersburg, in the said county of Rutherford; and when fifteen hundred dollars in stock is subscribed, in shares of twenty-five dollars each, payable either in work or money as may be agreed upon, a meeting of the stockholders shall be called at Christiana, of which twenty days' notice shall be given, at which meeting five of their number shall be elected directors, which shall constitute a board, and one of their number shall be chosen by the board of directors president, and said president and directors, and their successors in office, shall be, and they are hereby constituted a body politic and corporate, by the name and style of the Christiana and Millersburg Turnpike Company, and shall so continue, and may own, buy and sell property, may sue and be sued, plead and be impleaded in all the courts of this State or elsewhere, and shall be entitled to all the rights, powers and privileges, and subject to the same limitations and restrictions which are granted, conferred and imposed upon the Christiana and Dug Hollow Turnpike Company.

Christiana and
Millersburg
Turnpike Co.

SEC. 73. *Be it further enacted*, That the Christiana and Millersburg Turnpike Company shall have power to erect one toll-gate, upon said road, not to be placed nearer than three-quarters of a mile of Christiana, the western terminus of said road, and that the said company shall not be bound to build any bridges on said road, but shall be required to make all necessary culverts.

SEC. 74. *Be it further enacted*, That they shall have the same powers in fixing the rate of toll and be subject to the same liabilities which are prescribed in an act chartering the Christiana and Dug Hollow Turnpike Company,

SEC. 117. *Be it enacted*, That the stockholders shall have the right of transferring their stock by sale, gift, or otherwise, as they may desire, and the assignee or assignees of said stock so transferred shall be entitled to all the rights and privileges and immunities and be subject to all the responsibilities and liabilities of the original member of the company.

Chestnut Bluff
and Cageville
Plankroad Co.

SEC. 118. *Be it further enacted*, That a body corporate and politic is hereby constituted, by the name of the Chestnut Bluff and Cageville Plank Road Company, for the purpose of constructing a plank road from Cageville, Haywood county, to Chestnut Bluff, Dyer county, Tennessee, which company shall have all the powers and privileges, and be subject to all the restrictions set forth in the foregoing charter, incorporating the Belleville and Friendship Plank Road Company.

SEC. 119. *Be it enacted*, That W. E. Tucker, J. B. Powell, David Whitaker, Eason Jones, P. M. Neal, C. B. Revel, Isaac Hume, and A. W. Brooks, be, and they are hereby appointed commissioners to procure the stock in said company; and the capital stock shall be such an amount as may be necessary to construct said road, which shall be settled by the president and directors of the company, when elected.

SEC. 120. *Be it enacted*, That the construction of said road shall commence at Cageville, and so soon as five miles of said road shall be completed, the president and directors shall have the power to erect one toll-gate, and for every additional five miles completed by said company, they may erect an additional gate, at each of which they are authorized to charge and receive the same rates of toll allowed to be charged by the Memphis and Somerville Plank Road Company.

SEC. 121. *Be it enacted*, That Robert H. Williams, Wm. M. Shelton, Wm. W. Stewart, John F. House, Thos. Ramsey, Wm. J. Holmes, J. T. Richardson, J. T. Johnson, and Thomas W. Wisdom, and their associates and successors, be, and they are hereby constituted a body corporate and politic, under the style of the Clarksville, Cumberland and Charlotte Turnpike Company; and by that name may sue and be sued, plead and be impleaded, and may have a common seal.

SEC. 122. *Be it enacted*, That said persons named in the above section may each solicit and receive subscriptions of stock to said company, and may receive subscriptions in money, or payable in materials for constructing a turnpike road, or payable in work, and that the shares shall be twenty-five dollars; and a majority of the said commis-

moners above named, may, in writing, appoint one or more agents to procure and receive such subscriptions of stock ; and whenever one hundred shares of stock, or more, have been subscribed, the said commissioners, after giving twenty days' notice in a Clarksville newspaper, may meet in the town of Clarksville, a majority of said commissioners being competent to act, and may open and hold an election, for the purpose of electing five directors, who shall be stockholders in said company ; each stockholder having a vote in such election for every share of stock subscribed by him ; and said directors shall elect one of their number president ; and may elect a secretary, treasurer, and such other officers and agents as they may think necessary, from time to time, and pay such salaries as they may agree upon.

SEC. 123. *Be it further enacted*, That as soon as the said company is organized by the election of directors, as aforesaid, they shall constitute a body corporate, under the said name and style of the "Clarksville, Cumberland and Charlotte Turnpike Company," and as such, shall have succession for ninety-nine years.

Clarksville,
Cumberland and
Charlotte Turn-
pike company.

SEC. 124. *Be it further enacted*, That said president and directors shall each be authorized to procure and receive additional subscriptions of stock to said company, and they may appoint an agent to receive the same, which may be taken payable in money, in materials, or in work, and upon such terms as may be agreed upon by the parties, in writing ; and if such persons subscribing materials or work, as stock in said company, fail to furnish such materials or do such work, upon being notified in writing twenty days before it is required, then their stock shall become payable in money.

SEC. 125. *Be it further enacted*, That after such election of directors, the said Board of Directors may proceed to locate and construct, a turnpike road from the town of Clarksville, or from the Port Royal and Clarksville turnpike, or from Madison street, near the residence of the Hon. Cave Johnson, to or in the direction of the town of Charlotte, in Dickson county, but shall only put under contract from time to time so much of said road as they may have stock subscribed to build, until the first five miles are built or put under contract, with sufficient stock subscribed to complete the same.

SEC. 126. *Be it further enacted*, That said road shall be at least thirty feet wide, and shall be metaled with rock or gravel at least sixteen feet wide, and shall have ditches on each side of said road, where necessary, to keep the same well drained, and shall also have good and sufficient culverts and bridges, where necessary : *Provided*, That said company may,

if they see proper, make said road 50 feet wide, and shall have the right to have condemned for the use of said road as much as 100 feet of land in width through which said road is built, in the event the right of way is not granted by the owners of the land so taken.

SEC. 127. *Be it further enacted*, That the same proceeding shall be had to condemn the land upon which to construct said road, as are specified in the charter of the Memphis, Clarksville and Louisville Railroad Company, for condemning land for building said railroad.

SEC. 128. *Be it further enacted*, That whenever said company complete said turnpike, in the manner specified in sec. 6, of this act, to the Cumberland river, in the direction of Charlotte, they shall have the right to erect a toll-gate on said road, not nearer than two miles of the court house, in Clarksville, and not nearer than one mile of the corporate limits of Clarksville, and shall be allowed to receive such tolls thereat as the Clarksville and Port Royal — Turnpike Company are authorized to receive at their gates: *Provided*, That said company shall not be authorized to erect a second toll-gate on said turnpike until ten miles shall be completed: *And provided further*, That the gates on said road shall not be nearer than five miles to each other, and that for every five miles of road constructed as specified in section 6th of this act, said company shall be entitled to one gate.

SEC. 129. *Be it further enacted*, That said board of directors may make such calls on said stock subscribed in money as they may think necessary, by giving at least twenty days' notice in a newspaper published in Clarksville: *Provided*, That no one call shall be more than five dollars on the share when payable in money.

SEC. 130. *Be it enacted*, That an act passed on the 30th March, 1858, entitled, an act to incorporate the Woodford and Turnersville Turnpike Company, and Brown's Creek and Robertson Academy Turnpike Company, be, and the same is hereby so amended, that John Clay, Asa Jackson, Alfred Kennedy, Sidney Smith, Jesse G. Frazier, Norvell Holt and William C. Conyer, or any three of them, be, and they are hereby appointed commissioners, instead of those mentioned in said act, to open books for subscription of stock to the amount of fifteen hundred dollars, or any other amount in shares of twenty-five dollars each, payable in work or money, to be used in building said road, which road shall be cleared thirty feet, graded twenty feet, and McAdamized or graveled sixteen feet in width, either with rock or gravel, and one foot deep in the centre, with a smooth surface eight feet wide. Said road to begin at or

near Mrs. Clay's, on Lebanon and Nashville turnpike road; thence in such way as said commissioners may locate it, through the plantation of G. W. and J. G. Frazier, west of their residence and well; thence on the line between them and John Lawrence, to the north end of the lane, and thence intersecting the Lebanon and Cole's Ferry turnpike, on the line between Norvel Holt and W. C. Conyer.

SEC. 131. *Be it further enacted*, That so soon as fifteen hundred dollars of stock shall have been subscribed, either in money or labor, a meeting of the subscribers for stock shall be held at such time and place as they may appoint, after giving ten days' notice in writing, and the said subscribers for stock shall then or at any subsequent meeting by them appointed, elect from their own body five directors who shall elect such officers as they think necessary.

SEC. 132. *Be it further enacted*, That said company may have four years from the passage of this act to build said road, and that all portions of the act this is intended to amend that are inconsistent with this act, be and the same are hereby repealed.

SEC. 133. *Be it further enacted*, That La Guardo and Bull Branch Turnpike Company further time of twelve months in which to complete their road.

W. C. WHITTHORNE,
Speaker of the House of Representatives.
TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, February 1, 1860.

CHAPTER 47.

AN ACT to establish a precinct in the town of Mulberry, and in reference to Civil Districts No. 1 and 14, in Dyer county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this act, that the Sheriff of Lincoln county, in person or through his deputies be authorized to open the polls and hold elections in and at the village of Mulberry, of Civil District, No. 6, and county aforesaid, in all federal, State, county and district elections, as other places in the manner prescribed by law.

SEC. 2. *Be it further enacted*, That Civil Districts Nos. 1 and 14, be established as organized in the county of Dyer, in this State, be, and they are hereby entitled to all the rights, privileges and benefits, which belong to any other civil district in said county, and that the legal acts of the magistrates and all other officers heretofore

elected or to be elected, be, and the same are declared legal and valid.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, February 4, 1860.

CHAPTER 48.

AN ACT to pay the expenses of the investigation of the offices of Comptroller and Secretary of State by a Special Committee of the last General Assembly, and for other purposes.

Investigating
Committee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a note given by J. D. Goodpasture, A. F. Goff, Taz. W. Newman, J. J. Turner and Michael Vaughn, Special Committee appointed by the last General Assembly, to investigate the offices of Comptroller, Secretary of State, &c., to Henry Fauntleroy, acting as secretary to said committee, for one hundred and seventy-three dollars, and discounted, and now held by the Planters' Bank, at Nashville, be audited by the Comptroller and paid out of the Treasury of the State; also, that sixty-one dollars and a half be allowed to William Swan, for services as officer of said committee, for forty-one days, and the same be audited and paid out of the State Treasury.

SEC. 2. *Be it further enacted*, That the Comptroller of the State be, and he is hereby authorized and instructed to audit the account of the public printers, for printing the report of the Select Committee aforesaid, and pay the same at the rate fixed by law for publishing other public documents.

SEC. 3. *Be it further enacted*, That the sum of fifty dollars be allowed to J. E. R. Ray, for clerk hire, paid by him for transcribing the report of the Investigating Committee for the public printers, and that the same be audited and paid out of the State Treasury.

A. B. Ewing.

SEC. 4. *Be it further enacted*, That the Comptroller be authorized to issue his warrant to Samuel B. Ewing, for the sum of twenty-five dollars for his services as clerk, in the organization of the present House of Representatives. This act to take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, February 7, 1860.

CHAPTER 49.

AN ACT to withdraw the Bank of Memphis, and establish in lieu thereof, a Branch of the Bank of Chattanooga, at Memphis,

It appearing that the stock in the Bank of Chattanooga and the Bank of Memphis is owned by the same stockholders, the one institution being located at Chattanooga, and the other in Memphis; and it further appearing that said stockholders are desirous of retiring the Bank of Memphis, and establishing in lieu thereof, a Branch of the Bank of Chattanooga, at Memphis.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this act, the Bank of Chattanooga be authorized and empowered to establish a Branch of said bank, at Memphis: *Provided*, The Bank of Memphis shall first file in the office of the Comptroller, a surrender of its charter and all its rights and privileges thereunder, except so far as the same be necessary to enable said Bank of Memphis to collect the indebtedness now due it, and bring all its business as such bank to a close: *And provided further*, That said Branch Bank shall not be authorized to pay out any other than notes payable at its counter.

SEC. 2. *Be it further enacted*, That said bank shall issue no note not made payable at its counter; nor shall it pay out the notes of other banks; but this restriction upon paying out the notes of other banks shall not extend to prevent said bank from paying out its Branch notes, but when so paid out said Branch notes shall be redeemable as well at its counter as at the counter where made payable: *Provided*, That nothing in this act shall be held to authorize the Comptroller to surrender the bonds deposited to secure the circulation of the Bank of Memphis, until such circulation be redeemed and canceled, or until bond and security is given for the same, as now provided by law: *Provided*, The Bank of Chattanooga and Branches shall be subject to all such general laws regulating banks and banking as the Legislature may from time to time enact.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, February 8, 1860.

CHAPTER 50.

AN ACT for the benefit and to compensate the State Line Commissioners running the State line between the States of Tennessee and Kentucky ; and to compensate the Commissioners running the line between the States of Tennessee and Virginia.

State Line Com-
missioners.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Comptroller of the Treasury issue his warrant on the Treasurer to Benjamin Peeples and O. R. Watkins, each a warrant for the sum of five dollars per day for twelve and two-third months' service as commissioners for running and re-marking the line between the States of Kentucky and Tennessee.

Compensation.

SEC. 2. *Be it further enacted*, That the Comptroller of this State issue his warrant jointly to Benj. Peeples and O. R. Watkins, for the sum of ten thousand six hundred and sixty-four dollars and fifty-nine cents, amount yet due employees for assisting in running the State line between the States of Tennessee and Kentucky, which amount of ten thousand six hundred and sixty-four dollars and fifty-nine cents, the said Benjamin Peeples and O. R. Watkins are responsible to said employees for the payment of the same, whose names appear in the report of said commissioners to the Governor of this State, to which reference is hereto made.

SEC. 3 *Be it further enacted*, That the commissioners on the State line between Tennessee and Virginia, be allowed under the same rules and regulations, the same compensation *per diem* as the aforesaid commissioners between Tennessee and Kentucky, and that the Comptroller be required to issue his warrant to said commissioners whenever it shall be certified by them the number of days they have been engaged in said survey.

SEC. 4. *Be it further enacted*, That this act take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, February 11, 1860.

CHAPTER 51.

AN ACT for the relief of Spencer Henry, Tax Collector for Blount County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the sum of seventy dollars and sixty-one cents be, and the same is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, to Spencer Henry, Tax Collector for Blount county, in consideration of tax for the years 1856 and 1857, wrongfully paid over to the Comptroller of this State.

SEC. 2. *Be it further enacted*, That the Comptroller issue his warrant to the said Spencer Henry for the said sum of seventy dollars and sixty-one cents; and that this act take effect from the date of its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.
B. L. STOVALL,
Speaker of the Senate.

Passed, February 13, 1860.

CHAPTER 52.

AN ACT to change the time of holding the election to elect officers for the Murfreesboro' and Wilkerson's Cross Roads Turnpike Company; to charter the Union Turnpike Company; to amend the charter of the Eagleville and Chapel Hill Turnpike Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the time of holding the election to elect officers for the Murfreesboro' and Wilkerson's Cross Roads Turnpike Company be changed from the first Monday in January to the third Monday in November.

SEC. 2. *Be it further enacted*, That John Page, John Bolajack, Samuel Copeland, Mack Peebles, and Isaac Battle, of Williamson county, and James Jones, Charles House and S. B. Boring, of Rutherford county, be appointed Commissioners to open books and receive subscriptions in money or labor to construct a good second class turnpike road from the Nashville turnpike, near the old steam mill, to or near Anthony's old mill on Stewart's creek, in Rutherford county. Commissioners.

SEC. 3. *Be it further enacted*, That as soon as the Commissioners shall obtain a subscription sufficient, in their Union Turnpike Company.

opinion, to build the road, they shall call a meeting of the stockholders, who shall elect five of their number directors, one of whom shall be president of the board; and they shall be known and designated as the president and directors of the Union Turnpike Company—shall be a body corporate and politic for ninety-nine years, enjoying all the immunities and privileges and be subject to all the liabilities usually granted to and imposed upon such corporations.

SEC. 4. *Be it further enacted*, That the president thus chosen shall locate the road, and cause the same to be well and thoroughly graded, with sufficient ditches and culverts to drain the road.

SEC. 5. *Be it further enacted*, That the president and directors may elect a secretary and treasurer, and be governed by all the provisions of the charter incorporating the Eagleville and Salem Turnpike Company so far as they may be applicable, and may erect one toll-gate on the road, and receive the same rates of toll as are received by the Eagleville and Salem Turnpike Company.

Elkton & Chapel
Hill Turnpike
Company.

SEC. 6. *Be it further enacted*, That the charter of the Eagleville and Chapel Hill Turnpike Company be so amended as to enable the Company to extend their road to Belfast under the same rules and regulations of the original charter.

SEC. 7. *Be it further enacted*, That the charter of the Murfreesboro' and Wilkerson's Cross Roads Turnpike be so amended as to authorize the company to extend their road so as to effect a junction with the Union Turnpike Company under the provisions of the charter, and may erect one toll gate on said extension.

SEC. 8. *Be it further enacted*, That the charter of the Eagleville and Chapel Hill Turnpike Company be so amended as to authorize the company to extend their road so as to effect a junction with the Union Turnpike Company, under the provisions of the charter, and may erect one toll-gate on said extension.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

B. L. STOVALL,

Speaker of the Senate.

Passed, February 13, 1860.

CHAPTER 53.

AN ACT to be entitled An Act to provide for the increase of the State Library, and for the payment of its contingent expenses.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That for the purpose of carrying out the objects of this act, which is the increase of the State Library, there shall be annually appropriated out of the Treasury of the State, the sum of twenty-five hundred dollars. Appropriation to the State Library.

SEC. 2. The duty of carrying on the exchange of books and documents with the governments of the States and Territories of the Union and of foreign countries, and with societies and institutions, now performed by the Secretary of State, is hereby transferred to the Librarian, who may, from time to time, procure from said governments, societies, and institutions, their documents, laws, judicial decisions and publications, by exchanging those of this State for the same. Exchanges.

SEC. 3. To enable the Librarian to make these exchanges, in addition to the number of copies of the laws, public documents and decisions ordered by the Legislature to be printed for home distribution, one hundred copies shall be printed for the Library, and delivered to the Librarian. Additional copies of Public Documents, &c.

SEC. 4. *Be it further enacted*, That the salary of the Librarian hereafter shall be eight hundred dollars per annum, to be paid quarterly out of the State Treasury, upon the warrant of the Comptroller. Salary of Librarian.

W. C. WHITTHORNE,
Speaker of the House of Representatives
TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, February 14, 1860.

CHAPTER 54.

AN ACT to amend the Road Law of the county of Sullivan.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That whereas, the people of the county of Sullivan have voted a tax upon themselves for the

purpose of keeping up the public roads, that the amount of road tax collected from each civil district be used in the district where levied and collected.

SEC. 2. *Be it further enacted*, That at the expiration of each contractor's term, if there should be a surplus of road tax, it shall be added to the school fund of said district, to be used as other school money.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, February 15, 1860.

CHAPTER 55.

AN ACT to be entitled An Act to incorporate the Jennings's Fork Turnpike Company; to revive the charter of the Fayetteville, Boonehill and Pulaski Turnpike.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That James S. Harris, W. P. Hearn, Wm. Carter, Purcell Hearn, Thomas Turner, Milby P. Hearn, or any three of them, be appointed commissioners to open books and receive subscriptions of stock for the purpose of building a turnpike road commencing at Tucker's Cross Roads, on the Lebanon and Trousdale Ferry Turnpike, in Wilson county, running thence to Zion meeting-house, thence the most practicable route to intersect the Lebanon and Sparta Turnpike Road, between the third and fourth mile posts from Lebanon, near Lindsley's; said commissioners shall meet at such times and places as they may think best, and open books and receive subscriptions of stock to be paid either in money or work on said road; and all the above named persons, or so many of them as shall aid in the construction of said road, or any three of them, shall be commissioners to locate said road, and shall be, and they are hereby constituted a body politic and corporate, by the name and style of the Jennings's Fork Turnpike Company, and by that name may sue and be sued, plead and be impleaded, have a common seal, and succession for ninety-nine years.

Jennings's Fork
Turnpike Co.

SEC. 2. *Be it enacted*, That the capital stock of said company shall be twelve thousand dollars, or any sum greater or less, necessary to complete said road, to be divided in sums of twenty-five dollars each; and when the sum

of five thousand dollars is subscribed either in cash or work to be done on said road, a meeting of the stockholders shall be held at such time and place as said commissioners or a majority of them may designate, all of such stockholders having notice of the time and place of said meeting. And when assembled, a majority of the stock being represented, they shall proceed to elect five directors, being stockholders, whose duty it shall be to manage the affairs of said company; said directors shall elect one of their own body president of the board; and the president and directors thus chosen shall have power to elect a secretary and treasurer separately, or they may elect some one person to perform the duties of both secretary and treasurer. They shall have power to pass by-laws for the government of said company, to put the said road under contract, take bonds from contractors, and to do any and all things necessary to complete said road and keep the same in repair coming within the legitimate scope of the powers herein granted.

SEC. 3. *Be it further enacted* That the directors and officers so elected shall hold their offices for two years from the time of their election, and until their successors be elected and appointed.

SEC. 4. *Be it further enacted*, That it shall be the duty of said president and directors to hold an election once in every two years to elect a board of directors for said company, and to give the stockholders twenty days' notice of the time and place of holding said election, either in person, or by notice in a public newspaper. In all elections of directors, each share of stock shall be entitled to one vote.

SEC. 5. *Be it further enacted*, That the president and directors of said road, or the commissioners aforesaid, shall locate and lay off said road with a view to the interest of the public and also of the stockholders.

SEC. 6 *Be it further enacted*, That said road shall be opened thirty feet wide, graded eighteen feet, and shall be McAdamized with rock or creek gravel, the first coat to be at least twelve feet wide and six inches thick, and the second to be seven feet wide and six inches thick, with ditches on each side sufficient to drain the road; said road shall be graded to within five degrees of a level; said company shall build all such bridges, culverts, and all other drains as shall be necessary. When said road is thus made, said company shall be allowed the same rate of toll at their gate to be erected thereon as that allowed by the charter of the Lebanon and Nashville Turnpike Company; said company shall be authorized to erect one toll-gate on said road.

SEC. 7. *Be it further enacted*, That the president and directors may, from time to time, require of the stockhold-

ers to pay such portions of their stock as they shall deem necessary in order to facilitate the completion of said road. And said directors after their election may continue to receive subscriptions of stock, either in money or in work, in such proportions as they shall deem best.

SEC. 8. *Be it further enacted*, That said company shall be allowed the term of five years from the time of election of the first board of directors to finish said road.

SEC. 9. *Be it further enacted*, That the stock in said road shall be transferable.

Statesville and
Milton Turnpike
Company.

SEC. 10. *Be it further enacted*, That A. W. Cox, T. Knight, A. T. Strand, W. A. Witty, Jas. Ewing, Jas. Martin, J. T. Simpson, Wm. Byrn and Dr. Bilbo, or any three of them, be appointed commissioners to open books and receive subscriptions of stock for the purpose of building turnpike road, commencing in the Cainsville and Statesville Turnpike Road, or near the Baptist meeting house west of Statesville, in Wilson county, running thence across the ridge at the place known as the Solomon George Gap, and intersecting the Liberty and Murfreesboro' Turnpike Road at such point as the commissioners may designate. Said commissioners shall meet at such times and places as they may think best, and open books and receive subscriptions of stock. All of said persons, or as many of them as shall be named in the construction of said road, or any three of them, shall be commissioners to locate said road, and they are hereby created a body politic and corporate, by the name and style of the Statesville and Milton Turnpike Company, and by that name may sue and be sued, plead and be impleaded, have a common seal, and succession for ninety-nine years.

SEC. 11. *Be it further enacted*, That the capital stock of said company shall be fifteen thousand dollars, or any sum greater or less, necessary to complete said road, to be divided into shares of twenty-five dollars; when the sum of five thousand dollars of stock is subscribed, a meeting of the stockholders shall be held at such times and places as said commissioners or a majority of them may designate, all of the stockholders having notice of the time and place of said meeting; and when assembled, a majority of the stock being represented, they shall proceed to elect five directors, being stockholders, whose duty it shall be to manage the affairs of said company; said directors shall elect one of their own body president of the board, and the president and directors thus chosen shall have power to elect some one person to perform the duties of both secretary and treasurer. They shall have power to pass by-laws for the government of said company, to put said road under con-

tract, take bonds for contracts, and to do any and all things necessary to complete said road and keep the same in repair coming within the legitimate scope of the powers herein granted. The directors and officers so elected shall hold their offices for two years from the time of their election and until their successors are elected.

SEC. 12. *Be it further enacted*, That it shall be the duty of said president and directors to hold an election once in every two years to elect a board of directors for said road, and to give the stockholders twenty days' notice of the time and place of holding said election, either in person or by a notice in a public newspaper. In all elections of directors each share of stock shall be entitled to one vote.

SEC. 13. *Be it further enacted*, That said road shall be laid off and located with a view to the interests of the public and the stockholders. Said road shall be opened thirty feet wide, and graded sixteen feet, and shall be Macadamized with rock or gravel; the first coat to be at least twelve feet wide and six inches deep, and the second coat to be eight feet wide and six inches deep, with ditches on each side sufficient to drain the road; said road shall be graded to within five degrees of a level; said company shall build all such bridges, culverts, and other drains as shall be necessary. When said road is thus completed, said company shall be allowed the same rate of toll as that allowed by the charter of the Lebanon and Nashville Turnpike Company. Said company may erect one gate for every five miles of road. The president and directors may, from time to time, require of the stockholders to pay such portions of their stock as they shall deem necessary in order to facilitate the completion of said road; said directors, after their election, may continue to receive subscriptions of stock; said company shall be allowed the term of five years from the time of the election of the first board of directors to finish said road. The stock in said road shall be transferable.

SEC. 14. *Be it further enacted*, That John F. Doak, R. P. Donnell, Henry T. Dawson, A. Bryant, Thomas McKee, S. N. McMillan and E. S. Smith, or any three of them, be appointed commissioners to open books and receive subscriptions of stock for the purpose of building a turnpike road, commencing at Fall Creek, in Wilson county, near P. W. and T. R. Harris', and running through the lands of Julius H. Williams; thence by H. L. Henderson, R. P. Donnell, Thomas McKee, John F. Doak, A. A. Bryant, and thence to the Lebanon and Sparta turnpike road, intersecting the same near Spring Creek bridge. Said commissioners shall meet at such times and places as they

Lebanon & Con-
nersville Turn-
pike Company.

may think best, and open books and receive subscriptions of stock; and they are hereby created a body politic and corporate by the name of the Lebanon and Connersville Turnpike Company, and by that name may sue and be sued, plead and be impleaded, have a common seal, and succession for ninety-nine years.

SEC. 15. *Be it further enacted*, That the capital stock of said company shall be twenty thousand dollars, or any other sum greater or less, necessary to complete said road, to be divided into shares of twenty-five dollars. When the sum of five thousand dollars stock is subscribed, a meeting of the stockholders shall be held at such time and place as said commissioners or a majority of them designate, all of the stockholders having notice of the time and place of said meeting; and when assembled, a majority of the stock being represented, they shall proceed to elect five directors, being stockholders, whose duty it shall be to manage the affairs of said company. Said directors shall elect one of their own body president of the board, and the president and directors thus chosen, shall have power to elect a secretary and treasurer separately, or they may elect one person to perform the duties of both secretary and treasurer. They shall have power to pass by-laws for the government of said company, to lay off and locate said road, to put the same under contract, to take bonds from contractors, and to do any and all things necessary to complete said road and keep the same in repair. The directors and officers so elected shall hold their offices for two years from the time of their election and until their successors are elected. It shall be the duty of said president and directors to hold an election once in every two years to elect a board of directors for said road, and to give to the stockholders twenty days' notice of the time and place of holding said election either in person or by notice in a public newspaper. In all elections of directors, each share of stock shall be entitled to one vote.

SEC. 16. *Be it further enacted*, That said road shall be laid off and located with a view to the interest of the public and the stockholders. If the owner of any land on which said road is located shall build said road through his land, or a part of it, said owner shall have the right to locate the road through his land: *Provided*, He shall so locate it as not to prejudice the interests of the road. Said road shall be opened thirty feet wide, graded sixteen feet, and shall be McAdamized with rock or gravel; the first coat to be at least twelve feet wide and six inches deep, and the second coat to be eight feet wide and six inches deep, with ditches on each side sufficient to drain the road; said road shall be graded to within five degrees of a level. Said

company shall build all such bridges, culverts, and other trains as shall be necessary. Said company may erect one gate for every five miles of said road. The president and directors may, from time to time, require of the stockholders to pay such portions of their stock as they shall deem necessary in order to facilitate the completion of said road. Said directors, after their election, may continue to receive subscriptions of stock until enough shall be subscribed to finish said road. Said company shall be allowed five years from the time of the election of the first board of directors to finish said road. The stock in said road shall be transferable. Said company shall be authorized to receive the same rate of toll as that allowed by the charter of the Lebanon and Nashville Turnpike Company.

SEC. 17. *Be it further enacted*, That in the election of directors in the Jennings' Fork, Statesville and Milton and Lebanon and Cainsville Turnpike Company, the stockholders may vote in person or by proxy. All said companies may hold real estate upon which to erect toll-gates.

SEC. 18. *Be it further enacted*, That the Davidson and Wilson County Central Turnpike Company shall have the further time of one year to finish their roads. Davidson and
Wilson county
Turnpike Co.

SEC. 19. *Be it further enacted*, That the Lebanon and Cainsville Turnpike Company may, if they prefer it, run their road by the way of Jacob Hite's to Lebanon, instead of intersecting the Lebanon and Sparta Turnpike, as provided in this act.

SEC. 20. *Be it further enacted*, That the Gallatin and Cole's Ferry Turnpike Company be, and they are hereby authorized to erect their first gate and gate buildings. &c., at the junction of their respective roads, immediately north of where the present gate upon the Gallatin and Cumberland road is now erected. Said gate and buildings may be erected jointly by said companies.

SEC. 21. *Be it further enacted*, That an act entitled An Act to charter the Fayetteville, Boonshill and Pulaski Turnpike, and for other purposes, chapter 85, passed January 17th, 1850, be, and the same is hereby re-enacted and revived so as the Fayetteville, Boonshill and Pulaski Company is concerned, with all the rights, powers, privileges and restrictions contained in said act of Assembly, except as modified by this act. Fayetteville,
Boonshill and
Pulaski Turn-
pike Company.

SEC. 22. *Be it further enacted*, That whenever said road is completed from the Court house in Fayetteville to the east bank of Cane creek, said company may erect a gate, and for every five miles of said road, counting from the Court house at Fayetteville and Pulaski, said company may erect one gate: *Provided*, That no gate shall be erec-

ted within less than one mile of the court house in Fayetteville, nor within less than one and a half mile of the court house in Pulaski.

SEC. 23. *Be it further enacted*, That the further time of six years shall be allowed said company to complete their said road from Fayetteville to the Giles county line, and should said company complete their said road to said county line within the time specified, then all the rights, privileges and emoluments enuring to said company, shall enure to and belong to such stockholders only as contributed by stock or work to the construction of that part of said road.

SEC. 24. *Be it further enacted*, That said company may construct their said road at a grade of not exceeding five degrees, and shall be exempted from bridging Cane creek, unless the county of Lincoln shall appropriate a sufficient amount of money for that purpose, to place the Fayetteville, Boonshill and Pulaski turnpike on an equal footing with the Norris Creek and Mulbury Turnpike.

SEC. 25. *Be it further enacted*, That the following persons are hereby appointed commissioners to act in the re-organization of the company, until such time as said company shall be fully organized: B. Miller, James F. Drake, Marion Childress, John Woods, Simeon G. Eddins, Jacob Vance and James Wilson.

SEC. 26. *Be it further enacted*, When said commissioners shall be ready for re-organizing said company under the provisions of this act, they shall call a meeting of the subscribers, at such time and place as may be convenient, when the stockholders shall proceed to the election of five directors; and the directors shall choose one of their own number as president, and any three of said directors shall constitute a quorum for the transaction of business, and shall hold their offices for two years, and until their successors are elected and qualified, and all vacancies in the board shall be filled by said directors.

SEC. 27. *Be it further enacted*, The commissioners above named, or a majority of them, may settle by compromise or otherwise with any subscriber or contractor, who may have done work upon the road heretofore, and award to such person or contract, or such amount of stock in this company as the work actually done, may be reasonably worth at the time of settlement.

SEC. 28. *Be it further enacted*, That Neil McCallum, of the county of Giles, and Alfred B. Green, Womley R. Bruce, Robert J. Nelson, W. P. A. George, James M. Hampton, Lemuel D. Sugg, Henry Sugg, D. M. Perkins, Benjamin Whitaker, Peter G. McMullen, Robert Fallerton, Austin G. Smith and William F. Zimmerman, of Lincoln county,

be appointed commissioners to open books and receive subscriptions for the purpose of building a turnpike road from Fayetteville, in Lincoln county, to the town of Elkton, in Giles county.

Fayetteville and
Elkton Turnpike
Company.

SEC. 29. *Be it further enacted*, That so soon as subscriptions shall be made sufficient to build five miles of said road in either of the counties aforesaid, a meeting of the stockholders shall be held at such place as a majority of said commissioners may designate; after which meeting the said stockholders, and those who may hereafter become stockholders, shall be constituted a body corporate and politic, and possess and enjoy all the rights, powers and privileges, and be subject to the conditions and limitations granted and imposed upon the Fayetteville, Boonshill and Pulaski Turnpike Company by the provisions of this act, except as hereinafter provided.

SEC. 30. *Be it further enacted*, Whereas the Fayetteville, Boonshill and Pulaski Turnpike Company have the right of way and have done a considerable amount of work between Fayetteville and where the Fayetteville and Elkton Turnpike would necessarily intersect said road, and it being desirable that a gate should be erected at the point of intersection or between that point and Fayetteville; therefore, be it enacted, that said two companies when the Elkton road shall be completed for five miles from the court house at Fayetteville, and the Pulaski road shall be completed from the court house in Fayetteville to Cane creek, may erect a joint gate at the junction of the two roads; but the toll collected at said gate shall be divided equitably between said companies in proportion to the distance traveled over said roads respectively, always computing the road from said joint gate to Fayetteville, as belonging to the Fayetteville, Boonshill and Pulaski Company.

SEC. 31. *Be it further enacted*, That A. A. Green, Jacob Gillespie, David R. Smythe, Allen M. Hall, Joel M. Harris, Pleasant Halbut, David Buchanan, John M. Bright and Robert S. Woodward, together with those that may hereafter become stockholders shall be, and are hereby constituted a body politic and corporate, by the name of the Fayetteville and Petersburg Turnpike Company, and shall possess and enjoy all the rights, powers and privileges, and be governed by the limitations and restrictions conferred and imposed upon the Fayetteville, Boonshill and Pulaski Turnpike Company by the provisions of this act, so far as the same may be applicable to this company.

Fayetteville and
Petersburg Turn-
pike Company.

SEC. 32. *Be it further enacted*, That Alfred S. Fulton, Alfred Bearden, John Wagart, James Kirkpatrick, William H. Moores, F. P. Fulton, William Hatcher, William A. Gill, James Henderson and William B. Robinson, together

Fayetteville and
Alabama Turn-
pike Company.

with those who may hereafter become stockholders, shall be, and they are hereby constituted a body politic and corporate, by the name of the Fayetteville and Alabama Turnpike Company, and shall possess and enjoy all the rights, powers and privileges conferred, and be governed by the limitations and restrictions imposed upon the Fayetteville, Boonshill and Pulaski Turnpike Company by this act, so far as the same may apply to this company.

SEC. 33. *Be it further enacted*, That the Fayetteville and Petersburg Turnpike Company, hereby formed, and Fayetteville and Elkton Turnpike Company, and the Fayetteville and Alabama Turnpike Company, shall have two years to commence their roads, and six years thereafter to complete the same.

SEC. 34. *Be it further enacted*, That the Fayetteville and Petersburg Turnpike Company shall locate their road from Fayetteville to Petersburg, commencing at either end and running the shortest and most practicable route to the other, so as to injure land owners on the route as little as possible, and effect the greatest amount of good to the greatest number.

SEC. 35. *Be it further enacted*, Whenever five miles of said Fayetteville and Petersburg road shall be completed at either end of the same, said company may erect a gate and collect toll thereat: *Provided*, Said gate shall not be located nearer than one mile of Fayetteville or Petersburg: *And provided further*, That when the whole road shall be completed, said company shall be allowed to erect one gate, one mile from the court house in Fayetteville, one gate one mile from the town of Petersburg, and one gate on the half way ground as near as may be, between Fayetteville and Petersburg: *And, provided further*, That said company shall not be allowed at any time to collect toll at more than three gates on said road.

SEC. 36. *Be it further enacted*, That when five miles of the Fayetteville and Alabama Turnpike shall be completed commencing at the town of Fayetteville, said company may erect one gate and collect toll thereat, and said gate may be placed at Elk river bridge, near Fayetteville, but persons not necessarily traveling four miles over said road, shall only be charged at said gate half price.

SEC. 37. *Be it further enacted*, That the Fayetteville, Boonshill and Pulaski Turnpike Company, the Fayetteville and Elkton Turnpike Company, the Fayetteville and Petersburg Turnpike Company and the Fayetteville and Alabama Turnpike Company, shall construct their respective roads at a grade not exceeding five degrees: *Provided*, The Fayetteville and Elkton Turnpike Company shall be

allowed a grade of seven degrees at the Bradshaw hill and the Sugg hill; and the Alabama Turnpike Company shall be allowed a grade of seven degrees on Willis' hill, and all said road companies may construct their roads of creek or river gravel, or broken stone on the McAdamized plan, as they may think proper.

SEC. 38. *Be it further enacted*, When the Fayetteville and Alabama Turnpike Company shall have completed their road according to the provisions, for five miles or to the top of Wells' hill, all the rights and privileges conferred by this charter shall vest in said company as fully and effectually as if said road had been completed to the State line. This act to take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

B. L. STOVALL,

Speaker of the Senate.

Passed, February 13, 1860.

CHAPTER 56.

AN ACT to incorporate the Beersheba Springs Company; the Ben Lomond Company, in the county of Warren; Bon Air Springs Company, in the county of White; Look-out House Company, in the county of Hamilton; the Starr Springs Company, in the county at McMinn; the Elk Mount Springs Company; and to incorporate the town of Russellville.

WHEREAS, It is represented to the General Assembly, that certain cotton and sugar planters from Mississippi, Louisiana, Arkansas and Tennessee, whose names appear below, are proprietors of certain property in the county of Grundy, and State of Tennessee, consisting of several tracts of land, containing between three and four thousand acres, on which are situated the well known Beersheba Springs, with extensive buildings and improvements, supplied with furniture and fixtures, for the accommodation of those who may visit the same; and said proprietors are desirous of enlarging the buildings, and of introducing the cultivation of the vine on the Cumberland Mountains, and by this new branch of husbandry and the cottage system, make their grounds attractive as a watering place, and as summer homes for Southern people: therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Joseph S. Williams, C. G. Dahlgreen, Oliver J. Morgan, John M. Bass, Minor Kermer,

Beersheba
Springs Co.

Sterling R. Cockrill, Alexander Barrow, A. Hamilton Polk, John Waters, Charles W. Phillips, Lucius J. Polk, Isaac Garrett, Benjamin Johnson and John Scarbrough, and others who may become owners of stock in said company be, and they are hereby constituted a body politic and corporate, under the name and style of the Beersheba Springs Company, and by that name and style they and their successors shall have perpetual succession; may sue and be sued, contract and be contracted with, have and use a common seal, purchase and hold real estate, may sell, lease and rent the same; may purchase and hold personal property, and may make by-laws, rules and regulations for the government of the same.

Capital stock.

SEC. 2. *Be it further enacted*, That the capital stock shall be divided into fifteen hundred shares of one hundred dollars each, and books shall be opened for subscription to stock in said company under the direction and control of the proprietors above named, at such time and place as they may agree upon, and as soon as four hundred and fifty shares, making forty-five thousand dollars, shall be subscribed, the company shall be organized and the stockholders shall assemble at Beersheba, New Orleans, or at some other point to be agreed on by them, and elect directors; and to do such things as they have authority for by this charter.

Election of di-
rectors.

SEC. 3. *Be it enacted*, That for the managing the affairs of the company, a Board of Directors shall be elected, consisting of not more than nine, nor less than five, who shall be stockholders, and hold their offices one year, and until their successors are elected; the first election to take place at the first General meeting of the stockholders, as provided above; said directors shall choose one of their body president, who shall be the executive officer of the company; he shall keep a vigilant personal superintendence of all other officers, agents, clerks and employees rendering service for the company, and by the rules and by-laws shall have authority sufficient to render his position effective in control; he shall require the book-keeper at the hotel to settle as often as he may deem necessary to insure a faithful performance of duty, and shall be entitled to such compensation as the directors may deem just.

General meeting.

SEC. 4. *Be it enacted*, That a general meeting of the stockholders shall be holden annually, at Beersheba Springs, on — day of August; and in all general meetings of the stockholders, a majority in interest, in person or by proxy, shall be required to transact business, and in all elections or other votings by stockholders, each share shall cast one vote, up to ten shares, then one vote only for every five shares additional.

SEC. 5. *Be it enacted*, That a majority of the stockholders in interest, may, from time to time enlarge the capital stock for the purpose of making additional improvements in hotel buildings and accommodations, and also in their plans for vineyards and orchards, not to exceed one thousand additional shares; and the president and directors shall have authority to sell the stock of delinquents, besides the remedies given for collection of subscriptions by law. Delinquent stockholders.

SEC. 6. *Be it enacted*, That the president and directors shall have authority to convey lots to cottagers upon such terms and conditions as they may from time to time prescribe; they shall keep a regular journal of their proceedings, where the votes of the members shall be recorded on questions where there is a division for the inspection of stockholders.

SEC. 7. *Be it enacted*, That all transfer of stock to be made on the books, under such provisions as the president and directors may prescribe, and if said corporation should be dissolved, it shall have existence for the purposes of liquidation and the distribution of the property among those entitled to the same.

SEC. 8. *Be it enacted*, That whenever the present or subsequent proprietors of Ben Lomond, in the county of Warren, or Bon Air, in the county of White, shall desire to improve either of the above named watering places, for kindred or similar objects, they shall be a body politic and corporate, with all the powers and privileges hereby granted to the Beersheba Springs Company. Ben Lomond.
Bon Air

SEC. 9. *Be it enacted*, That for similar purposes, James A. Whitesides and Wm. B. Whitesides, proprietors of Lookout House, and adjacent lands on Lookout Mountain, in Hamilton county, Tennessee, and all others who may become owners of stock in the company, be, and they are hereby constituted a body politic and corporate, under the name and style of the Lookout House Company, who shall have like rights, powers and privileges, and be subject to such liabilities and restrictions as are given to and imposed upon the Beersheba Springs Company, by the preceding sections of this act. The first general meeting of the stockholders of said company shall be held at Lookout House, on the third Monday of August next, and thereafter at such times and places as the company by its by-laws may direct: *Provided*, That each share of the stock in the company shall entitle the owner thereof to one vote. Lookout House.

SEC. 10. *Be it enacted*, That for similar purposes, David Cobb, William Mayfield, proprietors of Starr Springs, on Chilhowie Mountain, and the adjacent lands all in the county of McMinn, and State of Tennessee, and all others Starr Springs.

who may hereafter become stockholders or owners, and their successors, be, and they are hereby constituted a body politic and corporate, under the name and style of the Starr Springs Company, who shall have like rights, powers and privileges, and be subject to such liabilities and restrictions as are given to and imposed upon the Beersheba Springs Company, by the preceding sections of this act.

SEC. 11. *Be it enacted*, That the first general meeting of said company shall be held at Starr Springs, as aforesaid, on the first Monday of July next, and always thereafter at such times and places as the company in its by-laws may direct: *Provided*, That each share of stock in said company shall entitle the holder or owner thereof to one vote.

Elk Mount
Spring Co.

SEC. 12. *Be it enacted*, That C. N. Ordway, B. P. Roy, William Houston, A. M. Carter, M. A. Carter, E. Edmunson, R. M. Scoggin, F. C. Barber, C. D. King, Hiram F. Hancult, A. S. Haney, James F. Bowers, E. W. Rose, A. R. K. Dickerson, W. E. Eddins, Nathaniel F. Cheairs and such other persons as they may choose to associate with them, and their successors, are hereby incorporated and constituted a body politic and corporate, in fact and in name, to be known by the name and style of the Elk Mount Springs Company; to have succession for fifteen years, for the purpose of conducting said springs as a watering place; and by that name they and their successors shall be, and are hereby made capable in law to sue and be sued, to contract and be contracted with, and of having and using a common seal, and the same to alter and renew at pleasure; and they and their successors and their assigns, in their corporate name, shall be, and are hereby made capable in law, to purchase and hold any lands or tenements, goods and chattels, necessary or convenient for carrying on their purposes as aforesaid, and the same to use and employ, grant and dispose of as they shall deem proper, and to have all the rights and privileges pertaining to corporate bodies, necessary for the purposes of their incorporation.

Capital Stock

SEC. 13. *Be it enacted*, That the capital stock of said company shall be twenty thousand dollars, and the same be extended from time to time, so as not to exceed seventy-five thousand dollars, and divided in shares of one thousand each.

SEC. 14. *Be it enacted*, That said company may allot and divide the different shares among themselves as they may see proper; and that the books of said company shall

how what amount of stock is owned and held by each stockholder, and any stockholder may transfer upon the books of said company, such stock as he or she may own in said company, in such manner as shall be prescribed by the by-laws, rules and regulations of said company, and not otherwise.

SEC. 15. *Be it enacted*, That the capital stock, property, and business of said company shall be managed by such officers, by-laws, rules and regulations, as shall from time to time be elected and enacted by said stockholders or their successors.

SEC. 16. *Be it enacted*, That the members of said company shall have full power and authority to form and adopt such by-laws, rules and regulations for the government of the company, and to choose and appoint such officers and agents for the transaction of the business of the company, as to them shall seem expedient; and such by-laws, rules and regulations shall have the force and effect of a legal enactment on the members of said company: *Provided*, such by-laws, rules and regulations do not conflict with the laws of the land.

SEC. 17. *Be it enacted*, That the town of Russellville be, and the same is hereby incorporated. All the laws governing the corporation of Knoxville be, and the same shall govern the said corporation of Russellville. Said corporation to extend one quarter of a mile from the centre of said town, in a north and south direction, the centre or beginning point to be on Main street, at the mouth of the street leading to Cain's mills; and as far east as the forks of the road leading to Rogersville and Greenville; west one-fourth of a mile from said central point.

Russellville in-
corporated.

SEC. 18. *Be it enacted*, That this act take effect from and after its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.
TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, February 13, 1860.

CHAPTER 57.

AN ACT to incorporate the Middleton Male and Female Institute ; the Bethany High School and the Union Academy ; the Riceville Academy ; and the Woodlawn Male and Female Academy, and for other purposes.

Trustees of New
Middleton Male
and Female In-
stitute.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That N. Ward, John W. Bowen, Ira King, J. S. Gill, J. G. Bridges, J. H. Baird and P. Y. Davis, be, and they are hereby declared a body politic and corporate, by the name and style of Trustees of the New Middleton Male and Female Institute, at New Middleton, Smith county, Tennessee, and shall have succession for ninety-nine years, and a common seal ; and they and their successors, by the name aforesaid, shall have, and they are hereby invested with all legal powers and capacities to buy, receive, possess, hold, alien and dispose of any property for the use and benefit of said Institute ; and may sue and be sued, commence and prosecute any legal process, and have the same instituted against them in any court of record in this State in the most ample manner.

SEC. 2. *Be it further enacted*, That the trustees aforesaid, shall have power to elect a president, secretary and treasurer, and to ordain regulations as they may deem proper, and to the best interests of the Institute, and whenever vacancies shall occur, by death, resignation or otherwise, to fill the same.

SEC. 3. *And be it further enacted*, That in all meetings of the Board of Trustees, the president and two members shall constitute a quorum to do business ; and they shall possess and exercise all other rights and privileges common to such corporations in this State.

Trustees of Be-
thany High
School.

SEC. 4. *Be it enacted*, That Dr. Charles N. Ordway, Neill McCallum, Andrew M. Wilson, John C. Patterson, John Bass, George Bowers, Lawson Shewell and William E. Caldwell, and their successors in office as trustees, be, and they are hereby incorporated under the name and style of Bethany High School, and by that name may sue and be sued, plead and be impleaded in any of the courts of law and equity, contract and be contracted with, pass all by-laws and ordinances, necessary for the proper control and government of said Institution, to employ instructors, superintendents, stewarts, agents, &c., and to have a common seal.

SEC. 5. *Be it further enacted*, That the said Institution shall be governed by trustees, who, and their successors in office shall constitute a body politic and corporate, under the name aforesaid, a majority of whom shall constitute a

quorum, for the transaction of business, and all vacancies that may occur in their body, shall be filled by the board, at such times and upon such terms as they may hereafter prescribe in their by-laws and ordinances; they may elect from their own body, a president, secretary and treasurer, as well as such other officers as they may think necessary, who shall hold their offices for the period of one year, and until the election and qualification of their successors.

SEC. 6. *Be it further enacted*, That said Board of Trustees shall have power to employ instructors, lecturers, superintendents, fix the rules and terms of tuition, prescribe the course of study, make all necessary rules and regulations for the government of said Institution, and its property; hold real, personal or mixed property, by gift, purchase, devise or upon loan, and sell or exchange the same, as the interest of the Institution may require; to confer, upon general rules and regulations, to be by them adopted, such literary degrees and diplomas as are usual in academies and colleges; and have and enjoy all the powers and privileges that are incident or necessary to corporations of this description, not inconsistent with the laws of the land.

SEC. 7. *Be it enacted*, That said board shall have power to receive subscriptions of stock in said Institution, in such sums and upon such terms as said trustees may prescribe, to create and sell scholarships, to create, raise and hold an endowment fund invested in such manner as they may direct, and the property and assets of the Institution shall be held, governed, and controlled, under such by-laws and ordinances as may from time to time, be enacted by said board.

SEC. 8. *Be it further enacted*, That the signature of the president shall be sufficient to execute an order of the board, either for the conveyance or transfer of real or personal property, or choses in action, or to create a legal liability upon said board.

SEC. 9. *Be it further enacted*, That there is hereby constituted a body politic, to be known by the name and style of the President and Trustees of Union Academy, and shall have succession for ninety-nine years, with full powers to sue and be sued, plead and be impleaded in the several courts of Tennessee.

Union Academy.

SEC. 10. *Be it further enacted*, That until others are elected or appointed by the trustees, the following shall be the trustees of said Institution, to wit: S. D. Stockton, President; Wm. P. O'Neil, Treasurer; R. J. Orr, Secretary; J. W. Bell, J. R. Neal, J. Lenard, A. D. McAdams and F. B. Woods, any five of whom shall constitute a quorum to all or any kind of business necessary or pertaining

Trustees.

to said Institution, and said Board of Trustees, a quorum thereof being present, may adopt such rules and regulations as may be deemed necessary for the government of the same.

SEC. 11. *Be it further enacted*, That the president or such other person as may be by the trustees designated for such purposes, shall have power to confer degrees and grant diplomas, and shall have such other powers as are incident to the government of such institutions.

Riceville Academy.

SEC. 12. *Be it further enacted*, That W. S. Calloway, William B. Porter, Philip Owens, James Buckner, A. J. Dodson and James Atkins, be, and they are hereby constituted a body politic and corporate, by the name and style of the Trustees of Riceville Academy, located in the county of McMinn; the said trustees shall have succession for ninety-nine years, and shall have power to fill vacancies, which may occur by death, resignation or otherwise.

SEC. 13. *Be it further enacted*, That said trustees and their successors in office shall be capable in law to receive, purchase and hold to themselves and their successors forever, any lands, tenements, goods and chattels, which may be given, granted, or devised to them for the use of said academy, and to use and dispose of the same, in such manner as to them seems most advantageous to said academy; and said trustees and their successors, by the name aforesaid, may sue and be sued, plead and be impleaded in any court of law or equity, in this State or elsewhere.

SEC. 14. *Be it further enacted*, That said Board of Trustees may elect a president, secretary and treasurer, may select teachers and adopt a constitution and by-laws for the government of said academy, a majority of said board shall be a quorum for the transaction of any business.

Ebenezer Male and Female Academy.

SEC. 15. *Be it enacted*, That Mitchell Trotter, N. C. Parish, M. McCauley, Abner Dickson, William C. Jackson, J. F. Waggoner and W. W. Mosslee, be and they are hereby appointed and constituted a body politic and corporate, by the name of Ebenezer Male and Female Academy and to have succession for ninety-nine years, in the county of Humphreys, and by that name may sue and be sued, may plead and be impleaded, may have and use a common seal, shall have, hold and acquire real and personal property of any kind or description, as far as the same may be necessary for the use and benefit of said academy, and shall have, exercise and enjoy all such rights and privileges as are usually possessed and exercised by the trustees of any incorporated academy, and may ask, demand and sue for, and receive any moneys which may be due said academy by donation or otherwise, and for the same may grant all pro-

per discharges and acquittances by the signature of the president, attested by the treasurer with the common seal attached.

SEC. 16. *Be it enacted*, That so soon as the persons named in the first section of this act shall have organized said academy, they shall proceed to hold an election for five trustees, first giving ten days' notice of the time and place of holding said election; said trustees when elected, shall hold their office during the term of two years, and until their successors are elected and qualified.

SEC. 17. *Be it enacted*, That the stock of said academy be divided into shares of twenty-five dollars each, and that twenty-five dollars be one share. Capital stock.

SEC. 18. *Be it enacted*, That each person who has or may have contributed to the erection, support and maintenance of said academy, by giving to the same, land, labor, money or other donation to the amount of twenty-five dollars, shall be entitled to vote for trustees of said academy, and that each stockholder shall be entitled to as many votes as he may hold shares in said academy.

SEC. 19. *Be it enacted*, That said trustees when elected, shall organize themselves into a board by electing one of their number president, and appointing a treasurer; any three trustees shall constitute a quorum to do business; such board shall have power to fill such vacancies as may occur during the time for which they are elected, whether the vacancies occur by death, resignation, removal or otherwise.

SEC. 20. *Be it enacted*, That such Board of Trustees may make such rules and regulations as they may deem expedient, necessary and proper for the government of said academy, not inconsistent with the laws of this State.

SEC. 21. *Be it enacted*, That the trustees may meet as often as they may deem necessary, and that the officers, professors and teachers, shall, with the advice and consent of the trustees, confer on any student in the Institution, proper person or persons, any degrees or honors, known and conferred in like institutions.

SEC. 22. *Be it enacted*, That Calvin A. Reynolds, Nicholas C. Buford, John P. Williams, ——— Franklin, J. P. Gracy, Stephen C. Williams, Simpson A. Patterson, Grandison Pettard, William J. Cragg, D. F. Johnson and their successors in office be, and they are hereby created a body politic and corporate, under the name and style of Woodlawn Male and Female Academy; and under that name may sue and be sued, plead and be impleaded, contract and be contracted with, and have, enjoy and use all Woodlawn Male and Female Academy.

the rights, privileges and immunities usually granted to such corporations.

SEC. 23. *Be it enacted*, That the trustees above named, or a majority of them shall be a quorum to do business; shall have power to elect a president, secretary and treasurer, and such other officers as they may from time to time create, and for such as they may prescribe by their by-laws. They shall have power to enact any by-laws and ordinances for said incorporation that are not inconsistent with the laws and constitution of this State, or of the United States.

SEC. 24. *Be it enacted*, That said corporation, by the name aforesaid, may have succession for a period of ninety-nine years; may have a common seal; shall have, and are hereby invested with all legal power to buy, receive, and possess, hold and enjoy, as well as dispose of any property, for the use and benefit of said institution. That said board of trustees, a majority being present, shall have power to fill all vacancies occasioned by death, resignation, removal or otherwise, either at stated or called meeting; confer literary degrees; issue diplomas or other marks of merit or proficiency in learning, in as full and ample a manner as any other institution of like character in the State.

SEC. 25. *Be it further enacted*, That said institution may be conducted as a mixed school, or in two separate departments, of male and female, as the trustees may deem best.

Toqua District.

SEC. 26. *Be it further enacted* That the qualified voters of Toqua School District, in the county of Monroe, be, and are hereby authorized to elect two additional common school commissioners for said district.

Common School
Commissioners
for Polk county.

SEC. 27. *Be it enacted*, That hereafter the election for common school commissioner for the second district of Polk county, Tennessee, shall be held at the court-house in Benton, in said district; and that this act shall take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

B. L. STOVALL,

Speaker of the Senate.

Passed, February 14, 1860.

CHAPTER 58.

AN ACT to amend the charter of the City Hotel Company, passed 12th December, 1831.

Be it enacted by the General Assembly of the State of Tennessee, That the charter of the City Hotel Company, (at Nashville,) passed 12th December, 1831, be so amended as to authorize the stockholders of said company to elect three directors instead of nine, as provided in its charter; and that this act take effect and be in force from its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, December 17, 1859.

CHAPTER 59.

AN ACT to change the time of holding the Chancery Court at Sevierville, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That after the April term, 1860, of the Chancery Court at Sevierville, for the county of Sevier, the terms of said court shall be as follows, to wit: There shall be a term of said court holden for the county aforesaid and the place aforesaid, on the third Monday of July, 1860, and forever thereafter on the third Monday of March and July in each year.

Chancery Courts
at Sevierville.

SEC. 2. *Be it further enacted,* That all process issuing from said court after the said April term, 1860, shall be made returnable to the said July term, 1860, and all reports of the Clerk and Master of said court which may be ordered at said April term by the court to be made, or which may have been ordered heretofore and not yet reported, and which may not be reported at said April term, shall be made at the said July term, 1860, unless otherwise ordered by the Chancellor.

Process when re-
turnable

SEC. 3. *Be it further enacted,* That after the first of July, 1860, the Circuit Courts of Fentress county shall be opened and held at Jamestown, on the second Monday in

Circuit Courts of
Fentress county

February and the first Mondays in June and October in every year; and the Circuit Courts for Scott county shall be held at Huntsville, on the third Monday in February and the second Mondays in June and October; and the Circuit Courts of Morgan county shall be held at Montgomery, on the fourth Monday in February and the third Mondays in June and October: this change not to apply to the courts to be held in February, 1860.

Scott county.
Morgan county.
Chancery Courts at Harrison. SEC. 4. *Be it further enacted*, That hereafter the Chancery Courts in the second Chancery Division of this State, holden at Harrison, Hamilton county, shall be holden on the second Monday of June and December, instead of the first Mondays of March and September, as now prescribed by law.

SEC. 5. *Be it further enacted*, That the term of said Chancery Court shall be holden on the second Monday in June, 1860, after the passage of this act, and forever thereafter on the second Mondays of June and December, in each and every year, until otherwise provided by law.

Circuits of Marion county. SEC. 6. *Be it further enacted*, That Marion county be, and the same is hereby attached to the fourth Judicial Circuit in this State, and the Circuit Courts therein shall be holden by the Judge of said fourth Circuit on the fourth Mondays of March, July and November, in each and every year, except the next term of said Court, which term shall be holden as heretofore prescribed by law.

Chancery Courts at Lebanon. SEC. 7. *Be it further enacted*, That the Chancery Court at Lebanon, for the county of Wilson, shall hereafter be held on the second Mondays in April and October, in each and every year: *Provided*, That said court shall be held on the first Monday in July next, as now provided by law, and after that at the times provided in this act.

For Wayne. SEC. 8. *Be it further enacted*, That the Chancery Courts for the county of Wayne shall hereafter be held on the first Wednesday after the fourth Mondays in February and August.

SEC. 9. *Be it further enacted*, That this act take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, February 17, 1860.

CHAPTER 60.

AN ACT to be entitled An Act to apportion the hands in Jefferson county to keep up public roads.

Be it enacted by the General Assembly of the State of Tennessee, That it be, and is hereby declared the duty of the County Court of Jefferson county, to apportion the hands to keep up the different roads in the county, and that no change shall be made in the apportionment except at the July term.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

B. L. STOVALL,

Speaker of the Senate.

Passed, February 17, 1860.

CHAPTER 61.

AN ACT to charter Union Institute, in Lincoln county; the Masonic Academy of Cottage Grove, and the Santa Fe Masonic Academy.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Joel Reece, John Noblett, Dempsey Sullivan, — Logan, Henry Dean, Mack Collier and Jacob Reese, and their successors in office, be, and they are hereby incorporated a body politic under the name and style of the "Union Institute," and may by that name and style have all the rights, powers and privileges of an Incorporation, and shall continue for ninety-nine years, and have a common seal, and are hereby invested with all legal power to buy, receive, possess, hold and dispose of any property for the use and benefit of said Institution, and may sue and be sued, and may commence and prosecute any legal process, and have the same instituted against them in any court of record. Union Institute

SEC. 2. *Be it enacted*, That the present board of trustees named in this act may be increased to any number not exceeding nine, and that any vacancy in said board may be filled by the remaining members.

SEC. 3. *Be it enacted*, That three trustees shall constitute a quorum, and said trustees shall have full power to establish such departments in the institution as may be useful,

and to elect such officers, professors or teachers as they may deem necessary to secure the objects of the institution, and also make such by-laws and regulations as by them may be considered necessary: *Provided*, That the same be not inconsistent with the Constitution of the United States or of this State.

SEC. 4. *Be it enacted*, That no misnomer or misdescription of said institution in any deed, will or gift, grant, devise or other instrument of contract or conveyance, shall vitiate the same, but the same shall take effect in like manner as if the corporation was rightfully named: *Provided*, It be sufficiently described to ascertain the intent of the parties.

SEC. 5. *Be it enacted*, That the real and personal property of said institution be exempt from State and county tax.

SEC. 6. *Be it enacted*, That Moses Todd, John —
Trustees of Masonic Academy of Cottage Grove. } Johnson, John C. Freeman, J. Wade Burton, Thomas Crutchfield, R. B. Bowden and B. A. Dunn, of Henry county, be, and are hereby constituted a body politic and corporate, by the name and style of the "Trustees Masonic Academy of Cottage Grove," and shall have succession for ninety-nine years, and be capable in law or otherwise to purchase, receive and hold to themselves and their successors any lands, tenements, goods or chattels which may be given, granted or devised to them, or purchased for the use and benefit of said Academy, and appropriate, use and dispose of the same in such a manner as to them may seem fit and proper for the use and benefit of said Academy; and the said Trustees and their successors, by the name aforesaid, may sue and be sued, plead and be impleaded in any court of law or equity in this State.

SEC. 7. *Be it enacted*, That the Trustees aforesaid and their successors shall have power to hold such meetings, at such times and places as they may think proper, to elect one of their number president, secretary, and treasurer of said board; and to fill vacancies that may happen by death, resignation or otherwise; but not less than a majority of said trustees shall constitute a quorum to do business relating to the interest of said Academy.

SEC. 8. *Be it enacted*, That said board of trustees shall have such power to make such regulations relative to said Academy and the government thereof, and their own proceedings, as a majority of said board may deem right and proper: *Provided*, They are not inconsistent with the constitution and laws of Tennessee.

SEC. 9. *Be it enacted*, That a Male Academy, to be located in the town of Santa Fe, Maury county, Tennessee,

be known and styled by the name of Santa Fe Masonic Academy, be, and the same is hereby incorporated, having the same rights and powers as have heretofore been conferred upon academies, and the rights and privileges conferred by this act upon academies herein incorporated; and that Dr. L. B. Forgey, John Kinger, Wm. Younger, James Jones and James Coughran, be, and are hereby constituted and appointed Trustees for said Academy; and that said Academy shall be subject to the provisions of the Code, and have succession for a period of thirty years.

Santa Fe Masonic Academy.

SEC. 10. *Be it enacted*, That this act shall take effect and be in force from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

B. L. STOVALL,

Speaker of the Senate.

Passed, February 17, 1860.

CHAPTER 62.

AN ACT to change the time of holding the County Court of Knox county, for the trial of misdemeanors, and to change the time of holding the Circuit Court of the county of Jackson, and for other purposes.



SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this act, the terms of the County Court of Knox county, for the trial of misdemeanors, shall be held on the first Monday of April, August and December, instead of the second Monday of February, June and October; and the Judge of said Court, for the trial of misdemeanors, shall have power to order attachments for contempt, to order indictments, *ex-officio*, to tax prosecutors with costs, to appoint special terms, and generally to exercise all the powers of Circuit Court Judges on the trial of misdemeanors, or in the proceeding incident thereto.

County Court of Knox.

SEC. 2. *Be it enacted*, That the act passed October 18, 1859, to change the place of holding the Circuit Court of Obion county, west of Reelfoot Lake, be so amended, that it shall take effect from and after the passage of this act.

Circuit Court of Obion county.

SEC. 3. *Be it further enacted*, That this act shall not take effect in Knox county until after June, 1860.

SEC. 4 *Be it further enacted*, That the Circuit Court for the county of Jackson shall be holden hereafter on the

Circuit Court of Jackson county.

first Mondays of March, July and November, in each year: *Provided*, that the next Court in said county, after the present approaching term, shall conform to this act, by being holden on the first Monday in July, 1860, and from that time on as above provided.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, February 17, 1860.

CHAPTER 63.

AN ACT to incorporate the Tennessee Iron Company.

Tennessee Iron
Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John Greacen, J. Holmes Agnew, and James Henderson, their associates and successors, be, and they are hereby created a body corporate and politic, by the name of the Tennessee Iron Company, for the purpose of mining stone coal, iron ore, making and rolling iron in all its various branches, and manufacturing all articles made in part or in whole of iron material; and for the purpose of erecting water works to supply the city of Chattanooga with water. That the capital stock of said company shall be thirty thousand dollars; and that the stock shall be divided into shares of one hundred dollars each; that the affairs of said company shall be managed by a Board of Directors, of not less than three nor more than eight, with the power of electing a president and such other officers as may be deemed necessary by the board.

Powers and pri-
vileges.

SEC. 2. *Be it enacted*, That the company hereby created shall enjoy the same powers and privileges and be subject to the same liabilities and restrictions as the East Tennessee Iron and Manufacturing Company, chartered by an act of the Legislature, on the 27th November, 1847, chapter 18, sections 1, 2, 3 and 4, page 47: *Provided*, The last clause of section 4, chapter 18, of the act of 1847, exempting the property and capital of said company from taxation, shall not apply to the property and capital of the company hereby incorporated; that this charter shall continue for thirty years; that company shall be organized hereby contemplated, on the payment of the capital stock of thirty thousand dollars.

SEC. 3. *Be it enacted*, That John O. Robinson, Fred'k. H. Stow and Frederick W. Cammaum, and their successors, associates and assigns, be, and they are hereby created a body politic and corporate, by the name and style of the Tennessee Zinc Company ; and by that name shall be known and have succession for thirty years ; and shall be competent to sue and be sued, in any court of law or equity, to have and use a common seal, and to alter the same at pleasure ; to establish and alter any by-laws for the government of said company, not inconsistent with the Constitution and laws of the State of Tennessee, and of the United States, to purchase, hold, mortgage and dispose of real estate, leases, mines, minerals, contracts and personal property of what kind soever, and manufacture all such implements and utensils as may be necessary for the business of the company to mine, smelt, work, manufacture and vend said minerals and products thereof ; to construct rail, plank or other roads or canals to connect the works of the company with each other, or improvements for transportation now or hereafter to be made within the borders of the State ; to create, issue and dispose of such number of shares of the stock of said company at the representative par value thereof, as may be ordered by a vote of said company ; to determine the par value of shares, and have the right to pay for such mining rights, and interest in real estate and personal property as it may be deemed necessary to purchase for the operations of the company, in the stock of the corporation or in cash, as the parties interested may elect ; and generally to have, enjoy and exercise all rights and privileges incident to corporations.

Tennessee Iron
Company.

SEC. 4. *Be it enacted*, That the corporations hereby incorporated shall be subject to such general laws as may now exist, or may hereafter be passed, regulating corporations of similar character.

SEC. 5. *Be it enacted*, That this act take effect and be in force from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, February 18, 1860.

CHAPTER 64.

AN ACT to amend the charter of the Memphis Theatre and to charter the Theatrical Company of Clarksville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the charter of the Memphis Theatre Company be so amended that the capital stock be increased to one hundred thousand dollars.

● SEC. 2. *Be it further enacted*, That a company to be entitled the "Harrell Theatre Company," shall be, and is hereby established with a capital of twenty thousand dollars, which may be increased to forty thousand dollars; that the stock of said company shall be divided into shares of twenty dollars each, to be subscribed with the commissioners hereinafter named, and paid in as the directors to be elected may call for it: *Provided*, Said corporation pay a bonus of one-fourth of one per cent. on the capital stock for common school purposes annually.

Gaiety Theatre
Company.

SEC. 3. *Be it further enacted*, That the subscribers for said stock, their successors and assigns are hereby created a body politic and corporate, by the name and style of the Gaiety Theatre Company, and in and by said name they shall have capacity to contract and be contracted with, sue and be sued, have and use a common seal, shall have authority to elect all necessary officers and to pass and establish all by-laws, rules and regulations for the successful management of the affairs of the company.

SEC. 4. *Be it further enacted*, That the object and business of said company shall be to erect in the city of Clarksville, an appropriate building for the legitimate drama, and by proper rules and regulations to elevate the character of stage representations, and said company are authorized to purchase and hold by their corporate name, a suitable lot for such a building in the city of Clarksville.

Commissioners,

SEC. 5. *Be it further enacted*, That W. A. Quarles, R. W. Johnson, C. G. Smith, W. E. Dortch, C. O. Faxon, G. C. Breed, G. A. Harrell, J. E. Wilcox and Joseph Tanner, are hereby appointed commissioners to open books for the subscription of stock, and they or a majority of them are authorized to keep the same open until twenty-five hundred dollars or a sufficient amount is taken, and said commissioners shall give ten days' notice that an election will be holden for the purpose of electing a board of five directors, to whom shall be entrusted the management of the affairs of said company; they shall elect a president of the board and fill the vacancies in the same.

SEC. 6. *Be it further enacted*, That the election of the Board of Directors, and such other officers as may be necessary, shall be holden annually at such time and place as the stockholders may direct, and the old board may hold over till a new one is elected.

SEC. 7. *Be it further enacted*, That each and every stockholder shall be liable for the full amount subscribed by him, but a payment in full of said subscription to the authorized agent of the company, shall be a discharge from further liability.

SEC. 8. *Be it further enacted*, That the stock may be transferred by assignment, and the original subscriber and assignee shall be bound till the subscription be paid in full, and each stockholder shall be entitled to one vote for each share of stock owned, which may be given in elections, in person or by proxy.

SEC. 9. *Be it further enacted*, That this act take effect from and after its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

B. L. STOVALL,
Speaker of the Senate.

Passed, February 19, 1860.

CHAPTER 65.

AN ACT to incorporate the Montvale Springs Company, and to incorporate the Crystal Springs Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Sterling Lanier, Sidney C. Lanier, William B. Lanier, Abram P. Watt, with their associates, and such other persons as may be hereafter interested as stockholders by subscription to the capital stock of said company, or by assignment, are hereby declared to be a body corporate by the name of "The Montvale Springs Company;" and by that name shall be authorized to receive and hold title to the real estate and all the improvements thereon known as the Montvale Springs property, situate in the county of Blount, and such other land as said Company may deem proper for their hotel, mineral springs and farming business; and to hold such hotel and other furniture, servants, and other personal property and effects as they may deem proper for the use aforesaid; and the same from time to time to sell, exchange, mortgage, lease, or otherwise dispose of as they see fit. And by the name

Montvale Springs
Company.

aforesaid to sue and be sued, plead and be impleaded in any of the courts of this State; and to have and use a common seal

SEC. 2. *Be it enacted*, That the said Montvale Springs Company shall have power to appoint such officers and adopt such *by-laws*, rules and regulations, and from time to time change and alter the same, as they may deem necessary for the proper conducting of their business. That the capital stock of said company shall be in shares of one hundred dollars each, and shall be transferable on the books of the company in such manner only as the directors or officers may prescribe. The secretary of the company may issue to the stockholders scrip for their stock, and shall enter the same on the books of the company with the date when issued. The stockholders, for the time being, shall be liable for the debts of said company as special partners to the extent of the stock held by each.

SEC. 3. *And be it further enacted*, That all laws and parts of laws militating against this act be, and the same is hereby repealed.

SEC. 4. *Be it further enacted*, That Enoch H. Jones, Wm. McKnight, James F. Fletcher, W. Y. McKnight, A. M. Alexander, John S. Wright and Wm. Putnam, be, and they are hereby incorporated a body politic, to be known and designated as the Crystal Springs Company, in Cannon County. The above company, and their successors, are incorporated with all the privileges of the Montvale Springs Company, so far as they are applicable.

Crystal Springs
Company.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

B. L. STOVALL,

Speaker of the Senate.

Passed, February 20, 1860.

CHAPTER 66.

AN ACT to be entitled An Act to compensate J. M. Quarles for certain services, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Comptroller be, and he is hereby directed to issue his warrant upon the Treasurer of the State for fifty dollars, in favor of and payable to Jas. M. Quarles, in the case of the State of Tennessee *vs.* Roland B. Rushing, and others.

J. M. Quarles.

SEC. 2. *Be it further enacted*, That the Comptroller of the Treasury is hereby authorized and directed to draw his warrant upon the Treasurer of the State, in favor of John C. Burch, for the sum of three hundred dollars for services rendered in arresting and prosecuting Wm. R. Palmer, charged with inciting servile insurrection.

SEC. 3. *Be it further enacted*, That the Comptroller issue his warrant to W. F. McGregor for one hundred and eighty-nine dollars, with interest from the 21st of June, 1859, the amount paid by him to Groomes, Cavert & Co., for chairs for the House of Representatives.

W. C. WHITTHORNE,
Speaker of the House of Representatives.
B. L. STOVALL,
Speaker of the Senate.

Passed, February 20, 1860.

CHAPTER 67.

AN ACT to be entitled An Act to incorporate the Watauga Bridge Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a body politic and corporate is hereby created by the name and style of the Watauga Bridge Company, for the purpose of erecting and keeping up a bridge across Watauga river, at any point between Hart's ford and the mouth of Doe river; and by that name may sue and be sued, plead and be impleaded, and do all acts and things necessary to construct said bridge, to keep the same in repair, and that said company shall have succession for ninety-nine years.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be fifteen hundred dollars, and may be increased to four thousand dollars, to be made up of shares of twenty dollars each, and so soon as fifteen hundred dollars are subscribed in cash or labor, the stockholders may call a meeting at Elizabethton, and organize by electing a president and such other officers among themselves as they may deem necessary.

SEC. 3. *Be it further enacted*, That Dr. G. T. McGee, G. W. Falsome, A. J. Tipton, J. P. Tipton, Peter Slagal and Henry Renfro, of Carter county, be, and are hereby appointed commissioners, or any three of them, to open books, at any time and place in Carter county they may think proper, to receive subscription for the capital stock;

and said commissioners may manage all the affairs of the company until the same is fully organized.

SEC. 4. *Be it further enacted*, That said company, when organized, may have power to buy, or receive by gift, or otherwise, any grounds or lands necessary for the construction of said bridge; and that said company may pass by-laws for its government not inconsistent with the constitution of this State, and said company shall receive the following tolls on said bridge when completed, to wit: Man and horse, ten cents; for each additional or led horse, five cents; for each horse or mule in drove, two and a half cents; for each head of cattle, two cents; for each head of sheep or hogs in drove, one cent; for a wagon and two horses, mules, or oxen, twenty-five cents; for a wagon and three horses, mules, or oxen, thirty cents, and for each additional horse, mule, or ox, five cents; for a cart and horse, mule, or ox, ten cents; for a cart and two horses, mules, or oxen, fifteen cents, and for each additional horse, mule, or ox, five cents; for a four-wheel one-horse pleasure carriage, twenty-five cents, and for each additional horse, ten cents; for each two-wheel pleasure carriage, twenty-five cents; and for each one-horse buggy, twenty-five cents; each two-horse buggy, thirty cents; for each sulky, fifteen cents; for all other vehicles, ten cents; and each additional animal drawing the same, five cents; each footman, five cents.

Rate of toll.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

B. L. STOVALL,

Speaker of the Senate.

Passed, February 20, 1860.

CHAPTER 68.

AN ACT to repeal sections 10, 11 and 12, of an act passed March 4, 1854, entitled, An act to charter the Shelbyville Bank of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That sections 10, 11 and 12, of an act passed March 4, 1854, entitled, an act to charter the Shelbyville Bank of Tennessee, and for other purposes, be, and the same are hereby repealed.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

B. L. STOVALL,

Speaker of the Senate.

Passed, February 20, 1860.

CHAPTER 69.

AN ACT for the relief of Rachel F. Henry, and to change the name of James A. Sikes to James A. Love, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Rachel F. Henry, of the county of Rhea, formerly Rachel F. Baker, be, and she is hereby declared the legitimate child of Newton Locke, with all the rights of his lawful heirs as though she had been born in wedlock, and hereafter to be deemed and taken, both in law and equity as his lawful child in every respect; this act being passed at his special instance and request.

SEC. 2. *Be it enacted*, That James A. Sikes of the county of Rhea, have his name changed to James A. Love, and as such be, and he is hereby adopted as heir at law of Joseph Parks at his instance and request, with all the rights of his children born in lawful wedlock. This act to take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, February 20, 1860.

CHAPTER 70.

AN ACT to amend the charter of the city of Memphis, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all acts and parts of acts of the General Assembly of this State heretofore passed, requiring the county revenue of Shelby county, collected within the corporate limits of Memphis, in said county, to be paid to the corporate authorities of said city, and also all acts requiring the corporate authorities of said city to pay the costs and expenses of the Criminal and of the Common Law and Chancery Courts, of the city of Memphis, be, and the same are hereby repealed.

SEC. 2. *Be it further enacted*, That in conformity with a contract between the city of Memphis, and county of Shelby, and made on the 4th and 5th of April, 1859, that from and after the passage of this act, the County Court and officers of Shelby county shall collect, keep and dis-

burse all county revenue collected or arising within said county, whether within or without the limits of the city of Memphis, and also, all fines and forfeitures, except in cases of indictment for felonies, collected or arising in the present Criminal Court of said city, or of any court hereafter created of the same or similar jurisdiction, as county revenue, according to law; and the corporate authorities of said city of Memphis shall have no part thereof nor interest therein, and said county of Shelby shall be charged with and provide, through its County Court and proper county officers for the future for all the costs and expenses of the Criminal and Common Law and Chancery Courts of the city of Memphis, or any other courts of similar general criminal, law or chancery jurisdiction, which may be hereafter established in said city, or any part of said county, and shall furnish and provide all necessary rooms and buildings, furniture and fixtures for the accommodation and holding of said courts, and for clerk's offices, and other necessary offices connected therewith; and, at the expense of the county shall furnish and provide a jail or county prison at Memphis, sufficient for the confinement and safe-keeping of all offenders charged with offences against the State, cognizable now or at any time hereafter in the courts held at Memphis, and shall provide for all paupers and destitute persons of unsound minds, and for the burial of such as well within as without the city, according to, and to the extent required by the general laws of the State; and the city of Memphis shall be, and is entitled to the possession, control and ownership of the city jail and prison in the said city of Memphis, which was erected by the city, and the officers of Shelby county shall deliver possession of the same to said city, and the county provide elsewhere for the safe keeping of State prisoners, unless the city and county authorities can agree on terms on which the latter may continue in the use and occupation of the same.

SEC. 3. *Be it further enacted*, That the Board of Mayor and Aldermen of said city of Memphis, shall have power to issue time bonds of said city, having not over thirty years to run, payable in such city in the United States as, in the discretion of said board, will enable them to be negotiated on the best terms, having interest coupons attached, at not exceeding ten per centum per annum, within the following limits, and for the following purposes, to wit: 1st. To an amount not exceeding five hundred thousand dollars, for the purpose of erecting permanent water works in said city; 2d. To an amount not exceeding five hundred thousand dollars for the construction and pavement of the principal streets and wharves, or either, of said city with iron,

Board of Mayor
and Aldermen to
issue bonds.

cobble stone, or some system of construction and pavement of equal merit : 3d. To an amount not exceeding four hundred thousand dollars, to aid in the construction of a railroad connection between Memphis and St. Louis, Missouri, on as near an air line as practicable ; 4th. To an amount not exceeding two hundred and fifty thousand dollars, to aid in the completion of the Mississippi and Tennessee Railroad ; 5th. To an amount not exceeding two hundred and fifty thousand dollars, to aid in the completion of the Memphis and Ohio Railroad ; and to the same amount for the Memphis and Little Rock Railroad ; and 6th. To an amount not exceeding two hundred and fifty thousand dollars for the purpose of funding all or any of the present due debt of the city, or that not yet due, but for which city bonds may have been heretofore issued : *Provided, however,* That no such bonds shall be issued for either of the purposes specified, in this section, or any other purpose, unless upon at least thirty days' notice of the time and places of election; the qualified voters of the city of Memphis shall instruct the Board of Mayor and Aldermen of said city to issue the same by a majority of votes cast at such election : *And provided further,* That then no such bonds as specified in first, second, third and sixth classes above shall be issued until, and unless said board of mayor and aldermen first, before such issue, provide, by ordinance, for the regular and prompt payment of the annual interest on such bonds, and also provide an annual sinking fund, to commence at least within six years after the issue of the bonds, and sufficient in amount to retire or redeem the same by maturity : *And, provided further,* That no such bonds shall be issued to aid in the construction of a railroad to connect said cities of Memphis and St. Louis, until at least fifty miles of such road, from or opposite Memphis, northward, shall be graded, bridged, and made ready for the iron rails, and then, only, for the purpose of furnishing iron and equipments for so much of said road as is so graded, bridged, and ready; said Railroad Company to secure the payment of the principal and interest of such bonds, at least one-half by endorsing the bonds, and by first class mortgage on their road bed, fixtures, iron and equipments, and the balance by an issue of stock in the road to the city, to the amount of the face of the bonds, which are used in payment for such stock ; *And, provided further,* No such bonds shall be issued, as in this section before provided, for aid to said Memphis and Ohio, or Memphis and Little Rock Railroad Company, until the company for whose benefit they are to be so issued, shall first have made ample and full provision to secure the payment, as

fast as it matures, of both interest and principal of the same.

Police.

SEC. 4. *Be it further enacted*, That so much of section twelve, article 3, of the amended charter of the city of Memphis, passed the 13th of February, 1854, as requires the captains of the day and night police to be elected by the voters of the city, be, and the same is hereby repealed, and hereafter the captains of the day and night police shall be elected or appointed by the board of mayor and aldermen, as are now the lieutenants and privates of the police; and said section shall be further amended, so as to change the name or title of the "city marshal" to chief of police of said city, the duties of the office to remain as heretofore.

Scholastic census.

SEC. 5. *Be it further enacted*, That the board of mayor and aldermen of Memphis shall have power, by ordinance, to provide, during the last half of the corporate year, to have assessments of property made, and a census of the population, and number of children within the ages that entitle them to share in the State school fund, and to attend the Memphis city schools, taken, preparatory to the levying of all taxes of the corporation for the ensuing year, immediately after each annual election, upon the organization of the new board of mayor and aldermen; and shall have power, by ordinance, to provide and make all such taxes due from the first day of the corporate year, for which they were assessed.

Tax Collector.

SEC. 6. *Be it further enacted*, That hereafter the tax collector of the city of Memphis, elected for any one corporate year, shall have power, after the expiration of the corporate year for which he was elected, to collect all unpaid taxes which were assessed, or became due during the year for which he was elected, and shall continue, for that purpose alone, to have all the powers of tax collector for the period of two years after his year or term of office expires; and shall have concurrent power with his successor or successors in office to make tax sales and tax deeds for, or in pursuance of the same, for the purpose of collecting the unpaid taxes of the year for which he was elected, unless the board of mayor and aldermen of said city shall order otherwise, and direct the same to be done by his successor, or by some other person by them authorized to collect the same; and the tax collector's bond shall be conditioned accordingly.

SEC. 7. *Be it further enacted*, That as another mode for the construction of permanent streets in said city of Memphis, the board of mayor and aldermen shall have power, upon the owners and holders of two-thirds or more of the

real estate fronting on any street, or part of street, asking or petitioning in writing, that the same shall be done, to provide by ordinance for the levying, assessing and collection of a uniform special tax per foot on all the property fronting on each side of such street or part of street, for the purpose of paying for the construction and paving of such street or part of street, with stone, iron or such other durable and lasting material as shall be designated by the petitioners; said Mayor and Aldermen shall further have power to provide, by ordinance, that any amount, but not exceeding one fourth of the cost of such pavement shall be paid from the general revenues of the city; the special tax above provided to be in addition to the other corporation taxes on such property, and additional levies and assessments may be made from time to time, until a sufficient sum is raised to pay for the work, and all assessments of special taxes levied on property for the purposes in this section specified, shall be a lien thereon prior and superior to all other liens except the liens in favor of the State for State taxes, and may be enforced by judgment of condemnation and sale, as in other cases of city tax sales, or by bill in chancery, as said board may direct.

Pay of the Board
of Aldermen.

SEC. 8. *Be it further enacted*, That the members of the Board of Aldermen of Memphis, may hereafter be paid for their services as such by the consent of the voters of the city, to be obtained as follows: At least one month before each municipal election the Board of Aldermen shall determine, by resolution, the amount which in their judgment members of the board shall receive for their services for the ensuing year, of which the sheriff shall give notice in his notices of the election, and in the election, voters who are in favor of aldermen for the next year being paid the amount thus fixed by the retiring board, will have written or printed on their tickets, "for paying aldermen," and those opposed thereto on theirs, "against paying aldermen," and aldermen for the next year shall be paid or not the amount fixed by the retiring board, according as for or against their payment receives a majority of votes, and the sheriff shall certify the vote on this question with the election returns: *Provided, however*, All fines against aldermen, during their respective terms of service, either under the city charter or ordinances, or rules of the board, shall be deducted, and retained from their pay, if they are paid, and only the balance paid each respectively: *And provided further*, Aldermen serving part of the year shall be paid *pro rata* for the time served, if those serving the full time are paid therefor.

How determined.

Bethel incorpo-
rated.

SEC. 9. *Be it further enacted*, That all buildings and grounds owned by said city of Memphis and used exclusively for public purposes, such as for fire companies and fire engines, city water works, markets, and market houses, and their grounds, and such parts of the navy yard as are not leased to private parties, be, and the same are hereby declared free and exempt from all State and county taxes so long as owned by the city, and so used for public purposes.

Boundaries:

SEC. 10. *Be it further enacted*, That the town of Bethel, in the county of Giles, and the citizens and inhabitants thereof, are hereby incorporated by the name and style of the Mayor and Aldermen of Bethel, and shall have succession for ninety-nine years; and by their corporate name may sue and be sued, plead and be impleaded, grant, receive, purchase and hold real and personal property, and sell and dispose of the same at pleasure, for the benefit of said town, and may have and use a town seal.

SEC. 11. *Be it further enacted*, That the territory comprised within the limits of said town or corporation shall be as follows, to wit: Beginning at a point where John A. Smith and C. C. Reagan's spring branch empties into Jenkin's creek; thence north to a point west of the north-east corner of John C. Harmon's lot; thence west passing the said corner with the north boundary of R. R. Meadow's lot, to Samuel Hughes' line; thence south to a stake; thence east to the beginning.

Election of May-

SEC. 12. *Be it further enacted*, That there shall be elected by the qualified voters of said town, seven Aldermen, who shall elect one of their number Mayor; said Mayor and aldermen to hold their office until the first Monday in January next following their election; but after the first election, every subsequent election for aldermen shall be on the first Monday in January of each succeeding year, after giving ten days' public notice of the time and place of holding the same; the said mayor and aldermen may elect a Constable, Recorder and Treasurer of said town at any regular meeting of the said board, who, before entering upon the duties of their offices shall give bond and security for the faithful discharge of the same in such sum as may be required by said Board of Mayor and Aldermen.

SEC. 13. *Be it further enacted*, That five of said aldermen shall constitute a board for the transaction of business. The mayor shall have the casting vote on all questions before them; and said mayor and aldermen shall take an oath before entering upon the duties of their respective

offices before some Justice of the Peace of said county, to faithfully and impartially demean themselves during their continuance in office.

SEC. 14. *Be it further enacted*, That no person shall be eligible to the offices of mayor and aldermen unless he be a citizen of the State of Tennessee and an actual resident in said town.

SEC. 15. *Be it further enacted*, That it shall be the duty of the sheriff of said county to advertise, open and hold the first election for aldermen, giving ten days' notice of the time and place of holding the same; but all subsequent elections for aldermen shall be advertised, opened and held by the existing Board of Mayor and Aldermen, at such time and in such manner as heretofore prescribed. All persons in said town, residents, and paying taxes therein, shall be qualified to vote at said elections. All vacancies in the Board of Aldermen shall be filled by a vote of the majority of the remaining members.

SEC. 16. *Be it further enacted*, That the said mayor and aldermen shall have power, by ordinance, in said corporation—

First.—To levy and collect taxes upon all property taxable by law for State purposes.

Second.—To levy and collect taxes upon all privileges and polls taxable by the laws of the State.

Third.—To appropriate money and provide for the debts and expenses of the town.

Fourth.—To make regulations for the general health of the town, and to prevent and remove nuisances.

Fifth.—To open, widen, extend, and establish streets, lanes and alleys in said town.

Sixth.—To establish a patrol for the maintenance of order in said town.

Seventh.—To license, tax and regulate auctioneers, grocers, merchants, retailers of liquors, taverns, negro traders, peddlers and confectioners.

Eighth.—To regulate or prohibit and suppress all disorderly houses.

Ninth.—To regulate the police of the town; to impose fines, forfeitures, and penalties for the breach of any ordinances, and to provide for their recovery and appropriation, and to do all things necessary for the suppression of riotous and disorderly conduct, not inconsistent with the laws of the State.

Tenth.—To prevent and punish by pecuniary penalties all breaches of the peace, noise, disturbances or disorderly assemblies in any street, house, or place in said town, by day or night.

SEC. 17. *Be it further enacted,* That the constable of said town shall have the same fees as are allowed to other constables of the State for similar services; and it shall be his duty to execute all warrants and other processes growing out of the corporation laws, and issued by the mayor or a Justice of the Peace, either of whom shall have jurisdiction to hear and determine all questions, warrants, suits, complaints or prosecutions growing out of any violations of the by-laws or ordinances of said town.

SEC. 18. It shall be the duty of said Board of Mayor and Aldermen to see that the public streets within the limits of said town be kept in good repair.

SEC. 19. This act may be altered or repealed whenever the Legislature may deem expedient for the public good.

SEC. 20. *Be it further enacted,* That the charter of the Clarksville Gas Light Company be so amended that from and after the passage of this act, each and every stockholder in said company shall be eligible to hold the position of director in said company, without reference to the amount of stock by him owned.

Clarksville Gas
Light Company.

SEC. 21. *Be it further enacted,* That the town constable of the corporation of the town of Kingston, in the county of Roane, shall have full power and authority to arrest any person or persons charged with a violation of the by-laws of said corporation anywhere in said county, and bring them before the mayor of said corporation, or before any Justice of the Peace of said county, to answer the penalties imposed by the Board of Mayor and Aldermen of said corporation for the violation of their by-laws.

Constable of
Kingston in
Roane county.

SEC. 22. *Be it further enacted,* That said constable shall have full power and authority to collect all fines, forfeitures and costs which may have been or may hereafter be imposed upon any person or persons by the Board of Mayor and Aldermen of said corporation, for any violation of the by-laws of said corporation, and shall have the same power and authority in the collection of the same anywhere in the said county of Roane as are now had and enjoyed by any other civil officer for said county.

SEC. 23. *Be it further enacted,* That the act incorporating the town Salisbury, in the county of Hardeman, be so amended as to establish the boundary of said corporation as follows: To begin at a point in the centre of the railroad track one-fourth of a mile west from the west boundary of the depot grounds; thence running north one-fourth of a mile; thence east two-thirds of a mile; thence south one-half of a mile; thence west two-thirds of a mile; thence north one-fourth of a mile to the point of beginning.

Salisbury.

SEC. 24. *Be it further enacted,* That the election for Aldermen for the corporation of the town of Lebanon, Lebanon. shall hereafter be held on the second Saturday in December instead of the first Saturday in January, and the new board shall meet for the purpose of organizing on the Saturday next succeeding the day of election.

SEC. 25. *Be it further enacted,* That the act of 1857-8, to establish a Mayor's Court at Lebanon, be so amended that the Recorder of the corporation shall be invested with the same powers as a court, that are conferred on the Mayor in all cases in which the Mayor is incompetent to act, and in his absence from the town.

SEC. 26. *Be it further enacted,* That the limits of the corporation shall be extended so as to include all the citizens, lots, lands and improvements within the following boundaries, viz: Beginning at the bridge on the Nashville and Lebanon turnpike, one hundred and eighty-two poles west from the centre of the square, running thence north Boundaries. forty-two poles, to a stake; thence east sixty-two poles, to a stake in the old corporation line; thence north with said old line seventy-eight poles, to a stake in the centre of the Lebanon spring branch, near an elm, cedar and persimmon on the bank, marked as pointers; thence north one hundred poles, to a stake; thence east, passing on the north side of Wm. Parish's house, fifty-two poles to the Lebanon and Cumberland river turnpike, and from thence continuing east twenty poles, to a stake; thence south ninety-five poles, to a stake in the fence on the north side of the Campbell Academy lot; thence east one hundred and fifty-two poles, crossing the Big Spring pike, to a stake; thence south, running on the north side of Dr. John Owen's residence, one hundred and twenty-six poles, to the centre of the east street; thence south, crossing the Sparta pike east of Cave Spring, one hundred and twenty poles, to a stake; thence west, passing the old south-east corner at sixty-two poles, and the Lebanon and Murfreesboro' pike at two hundred and seven poles, in all, three hundred and two poles, to a stake, the old south-west corner; thence north ninety-eight poles, to a stake; thence west sixty-two poles, to a stake; thence north twenty-two poles, to the beginning. That all laws, rules and regulations, rights, privileges and duties now in force in said corporation shall extend to and cover the extension as if the same had been originally a part of said corporation.

SEC. 27. *Be it further enacted,* That the act incorporating the town of Greenville be so amended that on the first Saturday in December of each and every year the Sheriff Election of officers of the town of Greenville. of Green county, by himself or deputy, shall open and hold

an election, at the court house in the town of Greenville, after giving ten days' notice, for a Mayor and six Aldermen, (one of said aldermen to reside in each of the wards as heretofore provided,) a Town Constable and a Recorder of said corporation, who shall respectively hold their offices for twelve months, and until their successors shall have been elected and qualified; and the persons receiving the highest number of votes respectively for mayor, aldermen, constable and recorder shall be declared elected; and it shall be the duty of the officers holding said election to make out and deliver to the recorder elect a certificate of their election within three days thereafter, which certificate shall be produced at the first meeting of the board, (which meeting shall be held on the first Saturday after the election,) and a minute thereof made upon the records of the corporation; and if the said sheriff shall fail to hold said election at the time herein mentioned, it shall be his duty to hold it as soon thereafter as may be, after giving the requisite notice, and for his failure to hold the election as prescribed in this section he shall forfeit and pay the sum of fifty dollars to said corporation, to be recovered by action of debt in the name of the Mayor and Aldermen of the town of Greenville; and if there should be no sheriff of said county, or no election held, then the election shall be held as provided in the original charter.

SEC. 28. *Be it further enacted*, That the mayor and aldermen of Greenville shall lay off said town into six convenient wards, and one of the several aldermen hereafter to be elected shall reside in each of the wards so laid off; and the Board of Aldermen may fill all vacancies which may occur in the Board by death, resignation or removal from the ward in which alderman resided when elected; and in the event of a vacancy occurring in the office of mayor, constable or recorder, by death or otherwise, the aldermen shall fill such vacancy until the next regular election for mayor, aldermen, constable and recorder.

SEC. 29. *Be it further enacted*, That the Mayor and Aldermen of the town of Jasper have all the powers and privileges conferred upon the Mayor and Aldermen of the town of Gallatin by sections fourth, eighth, ninth, tenth and eleventh of the act of February 29th, 1856, chapter 163 the terms "Gallatin," "Sumner," and "High Constable," used in said act, to apply with equal force to Jasper, Marion, and the constable of the town of Jasper.

SEC. 30. *Be it further enacted*, That the Mayor of Jasper shall have original and exclusive jurisdiction in hearing and determining all offences arising under the laws and ordinances of the corporation, except as qualified by this

act, and the act this is intended to amend; and shall have concurrent jurisdiction with Justices of the Peace of Marion county in all cases of the violation of the laws of Tennessee within the corporate limits of Jasper.

SEC. 31. *Be it further enacted*, That the constable of the town of Jasper shall have all the powers conferred upon the constable of the town of Unionville by the act of February 22d, 1856, chapter 131, section three.

SEC. 32. *Be it further enacted*, That so much of the act of January 23d, 1852, chapter 258, section 6, incorporating the town of Jasper, as limits the penalty of the constable's and treasurer's bond to two hundred dollars, be, and the same is hereby repealed, and said mayor and aldermen are at liberty to fix the penalty of said bonds at their discretion so as amply to secure said corporation and its inhabitants in the premises.

SEC. 33. *Be it further enacted*, That David Rankin and Wm. S. Griffith be authorized to extend the corporate limits of said town by laying off forty acres in town lots, north of said town, and that said lots shall not be taxed as other town lots until they are laid off and sold.

SEC. 34. *Be it further enacted*, That any free white male citizen of the age of twenty-one years, living within the corporate limits of the town of Centreville, in Hickman county, shall be eligible for mayor or alderman in said corporation. Centreville.

SEC. 35. *Be it further enacted*, That the mayor and aldermen of said town may sell such streets as may not be needed for the public, and appropriate the same to building a bridge across Duck river at Centreville.

SEC. 36. *Be it further enacted*, That the town of Brighton, in the county of Lincoln, and the inhabitants thereof, be, and they are hereby constituted and appointed a body politic and corporate by the name of the Mayor and Aldermen of the town of Brighton, and shall have continued succession, and by their corporate name may sue and be sued, plead and be impleaded, grant, receive, purchase and hold real, personal, and all other qualities of property, or may dispose of the same for the benefit of said town or corporation, and may have and use a town seal. Brighton incorporated.

SEC. 37. That the corporation of the town of Brighton shall include all lands within half mile of the railroad depot.

SEC. 38. *Be it further enacted*, That this act take effect from and after its passage. W. C. WHITTHORNE,

Speaker of the House of Representatives

B. L. STOVALL,

Speaker of the Senate

Passed, February 20, 1860.

CHAPTER 71.

AN ACT to incorporate Washington Fire Company, No. 6, of Memphis.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an act to incorporate the Washington Fire Company, No. 6, of the city of Memphis, passed the 4th of December, 1855, be so amended as to exempt the members of said company from jury service, after five years' active service as firemen.

SEC. 2. *Be it further enacted*, That this act take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

B. L. STOVALL,

Speaker of the Senate.

Passed, February 23, 1860.

CHAPTER 72.

AN ACT to change the name of the Memphis Hook and Ladder Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the name of the Memphis Hook and Ladder Company and Library Association, be, and the same is hereby changed to that of the Pioneer Hook and Ladder Company and Library Association, of Memphis.

SEC. 2. *Be it further enacted*, That this act take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

B. L. STOVALL,

Speaker of the Senate.

Passed, February 23, 1860.

CHAPTER 73.

AN ACT to amend an act incorporating an Hotel Company in the city of Memphis, Tennessee, giving said company the name of the Memphis Overton Hotel Company, and for other purposes.

WHEREAS, An act was passed by the General Assembly of the State of Tennessee, on the 24th day of February, 1854, granting a charter for an Hotel Company, at the city of Memphis, in this State, to be a body politic and corporate, by whatever name the corporators might select and choose; and whereas sufficient stock in said company was duly subscribed to authorize its organization, and it accordingly organized on the 11th June, 1857, and adopted the name of the "Memphis Overton Hotel Company," and by said name and style is now in full operation and has purchased the necessary ground and is proceeding in the erection of an hotel, in pursuance of the provisions of said charter and act of incorporation: Now, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the name so selected of "Memphis Overton Hotel Company;" be, and the same is hereby approved and confirmed, and said corporation and subscribers for stock in said company, together with such others as may hereafter become subscribers and stockholders, may, and shall be, as provided by said act, a corporation to be known as the "Memphis Overton Hotel Company," and by that name and style may sue and be sued, plead and be impleaded, have and use a common seal, and the same to alter, break, or renew at pleasure, and do all other acts and things provided by said original charter, and have and exercise such powers and privileges as are necessary and usual in such corporations, and not inconsistent with the laws of the land.

Memphis Overton Hotel Co.

SEC. 2. *Be it further enacted*, That nothing in this act shall be so construed as to release or discharge any subscriber for stock in said company, from his or their subscription for such stock heretofore made, but all shall remain bound and liable therefor according to law, the same as if said name had been adopted in the original act of incorporation; all suits for unpaid stock, or otherwise to be prosecuted in the name aforesaid.

SEC. 3. *Be it further enacted*, That no forfeiture of said charter shall be construed to have occurred heretofore or to occur hereafter, because of any failure of the stockholders to elect a new Board of Directors on the day specified in the act of incorporation, or within one year

from the previous election, but all such elections which have been or may be held after due and proper notice to the stockholders, shall be as valid and binding as if held on the very day provided by the terms of the charter, the former officers always holding over until their successors are elected and qualified according to the provisions of said charter; and all omissions and irregularities, if any, heretofore made by said company in regard to elections, are hereby rescinded and cured so far as this Legislature has power to remedy and cure the same.

SEC. 4. *Be it further enacted*, That this act take effect from and after its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.
 B. L. STOVALL,
Speaker of the Senate.

Passed, February 23, 1860.

CHAPTER 74.

AN ACT to incorporate the Great Western Steam and Water Alarm Guage Company

Corporators.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That George W. Grader, B. F. Cowan, A. C. Wartzbuck, Joel A. Wall, S. M. Edmonson, J. W. Armstrong, William C. Coxe and M. L. Song, their successors and associates, are hereby constituted a body politic and corporate, by the name of the Great Western Steam and Water Alarm Guage Company, for the purpose of manufacturing Grader and Cowans' Steam and Water Alarm Guage; of purchasing and vending, and of procuring and selling patent rights for said Guage, and for such purposes may erect all necessary building apparatus and fixtures for carrying on their said business; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend, in any court of law or equity, in all suits or actions, and have a common seal, and the same alter and renew at pleasure, and may enjoy the privileges incident to corporations, and may purchase, hold, mortgage, transfer and convey, real or personal estate.

SEC. 2. *Be it further enacted*, That the first meeting of said corporation, may be called by the persons named in this act, or a majority of them, or legally authorized agents, at such time and place as they may elect; and at such

meeting a board of directors shall be chosen among the stockholders present in person or by proxy, at such meeting; and such Board of Directors shall not exceed eight in number, and they shall take charge of the operations of the Company subject to such rules and regulations as may be adopted by the stockholders; that so soon after their election as may be convenient, they, or a majority of them may hold a meeting and elect one of their number president; three of said directors with the president, shall constitute a quorum, competent to transact the business of the corporation; in case of absence of the president at any of the meetings of the board, the directors present shall elect one of their number president, *pro tempore*; said directors shall hold office for one year, or until their successors are appointed, and may adopt such by-laws and regulations for the government of the company, as they may deem expedient, not inconsistent with this charter, nor with the rules made by the stockholders aforesaid.

Directors.

SEC. 3. *Be it further enacted*, That the capital stock of said company shall be sixty thousand dollars, and shall be divided into shares of one thousand dollars each, and the shares of the capital stock of said company shall be deemed personal property transferable by assignment agreeably to the provisions of this charter, and the by-laws of said company.

Capital Stock.

SEC. 4. *Be it further enacted*, That no stockholder of the company shall be allowed or authorized to sell his stock in said company, or any portion thereof without the consent of two-thirds of the stockholders of the company.

SEC. 5. *Be it further enacted*, That the president and directors of said company, be, and they are hereby vested with all the rights, privileges and powers necessary to carry on and effectuate the purposes of their incorporation; they shall have power to appoint a treasurer, clerks and such other officers as may appear to them necessary to conduct the business of the company; and require bonds for the faithful performance of their duty; they shall have power to make contracts with any person or persons in behalf of the company, to require of the stockholders from time to time as they may deem necessary to the interest and business of the company, instalments on their stock, so that no one call or instalment on their stock shall exceed twenty per. cent on the nominal value of each share.

SEC. 6. *Be it further enacted*, That at all meetings of stockholders held for the purpose of transacting any business of the company, the vote of the stockholders shall be *per capita*, and not according to shares of capital stock, except in the sale and transfer of State and territorial rights in

the patent granted by the United States Government, or any other government hereafter granted ; in such case the vote to be cast according to stock, each share of one thousand dollars to be entitled to one vote.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

B. L. STOVALL,

Speaker of the Senate.

Passed, February 23, 1860.

CHAPTER 75.

AN ACT to incorporate the Memphis Agricultural and Mechanical Association.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John Pope, J. H. Edmondson, J. W. Leftwich, F. W. Royster, J. S. Clayton, W. B. Miller, W. F. Hamlin, F. Titus and E. McDavitt be, and they are hereby appointed commissioners, to open books for subscription for in the company incorporated by this act; any three of these commissioners may open books at such times as they may deem expedient, and keep them open until at least twenty-five thousand dollars of the capital stock is subscribed.

Memphis Agricultural and Mechanical Association.

SEC. 2. *Be it further enacted*, That the subscribers of said capital stock, and such other persons as may become stockholders of said stock, and their successors, be, and are hereby constituted a body politic and corporate, by the name and style of the Memphis Agricultural and Mechanical Association; and by that name may make contracts, sue and be sued, plead and be impleaded with, and use a common seal, together with all the usual powers of a corporation, with succession for thirty years.

Capital Stock.

SEC. 3. *Be it further enacted*, That the capital stock of said company shall be the sum of fifty thousand dollars, to be divided into shares of fifty dollars each; but the amount of such capital stock may, from time to time, as the directors of the company may think expedient, be increased to any sum not exceeding one hundred thousand dollars.

SEC. 4. *Be it further enacted*, That the subscribers and holders of stock may, at any time after twenty-five thousand dollars of the capital stock shall have been subscribed, be called together by a majority, by a notice in

some newspaper published in Memphis, and organize by the election of directors not exceeding fifteen, all of whom shall be stockholders in said company, and who shall have power to elect a president of their own body, and continue in office until the second Monday in November thereafter, and until their successors are elected. The second Monday of November of each year shall be appointed for the general meetings of the stockholders and the election of officers, who shall hold their offices for one year, and until their successors are elected. In the election of directors each stockholder shall be entitled to one vote for every share of stock he holds, and the persons receiving the highest number of votes shall be considered elected. The president and directors thus elected shall have power to enact all *by-laws* necessary for the government of their board, to elect a secretary and treasurer, and other officers, from whom they may require bond and security for the faithful performance of their official duties, and shall have power to fill all vacancies that may occur in their own board or in the offices created by them. A majority of the directors shall constitute a quorum to do business, and in the absence of the president the board may appoint a president *pro tem.*, who shall, for the time, have all the powers and privileges of the president. The board of directors shall have power to meet on their own adjournment, or at any time upon the call of the president or any five of the directors.

They may also call a meeting of the stockholders if they deem it necessary, and shall do so if required in writing by a majority of such stockholders.

SEC. 5. *Be it further enacted*, That it is the intent and purpose of this act of incorporation to empower said company to establish a place in the vicinity of Memphis for fairs and exhibitions, to be called the Memphis Agricultural and Mechanical Association, and to that end said board of directors shall have power to purchase grounds, to hold, enclose and improve the same, and to erect thereon such buildings as they may determine upon, to rent, lease and let the same, and to collect entrance and gate fees, and rents, and make repairs: *Provided, however, be it further enacted*, That the said board of directors shall not have power to bind any stockholder beyond the amount of his, her or their stock and the issue and profits of the investment.

SEC. 6. *Be it further enacted*, That the board of directors shall have power to make calls upon the stock subscribed at such times as they may think proper. No call to exceed twenty-five per cent. on the amount subscribed, nor to be made oftener than once in every three months; and if any share-

holder shall fail to pay any call within thirty days from the time the same is required to be paid, the directors may sue him, her or them at law in the name of the company, or at their election, cause the stock of said delinquent to be forfeited. If suit be instituted and judgment be obtained, the stock of defendant in the company may be levied on and sold by execution issued thereon, and the purchasers shall hold the same with all the incidents and privileges thereto attached in the hands of the original holder.

SEC. 7. *Be it further enacted*, That no share of said stock shall be transferable until the same has been fully paid up, nor then without the expressed consent of a majority of the stockholders; and to entitle the assignee of the holder to a vote and to receive dividends, the transfer must be entered upon the books of the company.

SEC. 8. *Be it enacted*, That it shall be the duty of the directors to make and declare dividends out of the net profits of the company among the stockholders in proportion to the amount of stock held by each, at such time as they may deem advisable.

SEC. 9. *Be it enacted* That the Memphis Agricultural and Mechanical Association, hereby chartered, shall exist and have succession for the period of thirty years from the passage of this act.

W. C. WHITTHORNE,
Speaker of the House of Representatives.
B. L. STOVALL,
Speaker of the Senate.

Passed, February 23, 1860.

CHAPTER 76.

AN ACT to incorporate the Chattanooga Coal Company of Tennessee, and for other purposes.

Coal Company of
Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Robert C. McKee, Wm. Cleft, W. F. Harris, Solomon House, J. S. M. French, A. P. Watkins and Wm. F. Ragsdale, and their associates, are hereby created a body corporate, under the style and name of The Coal Company of Tennessee, empowered with the rights and privileges of purchasing and retaining real and personal estate, and holding the same with a view to mining coal, iron, or any other metal or mineral, transporting, vending or manufacturing the same within Hamilton coun-

ty, or any other county in the State of Tennessee; also, to have a common seal, which they may alter at pleasure, to sue and be sued, to answer and be answered unto, to plead and be impleaded, in any of the courts of Tennessee, or in the United States, or other corporations; and to make such by-laws, rules and regulations for carrying on the objects of this corporation as may be deemed by a majority of the stockholders in this corporation from time to time: *Provided*, Such by-laws, rules and regulations do not militate against the spirit and letter of this charter, the laws and Constitution of the State of Tennessee and of the United States: *And, provided further*, Such rules, by-laws and regulations are in accordance with the following articles:

ARTICLE 1. At any time within one year from the passage of this act, a majority of those persons whose names are incorporated in this charter, may meet in the town of Chattanooga, and after accepting the charter and recording such act in their books, may proceed to open books for the subscription of stock under the direction of a president and secretary, chosen at such meeting.

ART. 2. The capital stock of said company shall consist of one hundred thousand dollars, to be divided into such numbers of shares as a majority of subscribers to the stock may determine. Capital.

ART. 3. When all the stock shall have been subscribed for and as much as ten per cent. in cash or real personal estate shall be paid into the treasury, or come into legal possession of the company, then a board of directors and other officers may be appointed to take charge of and direct the affairs of the company.

ART. 4. The remainder of the capital stock may be called in from time to time as the directors may order, and books shall be kept by the company containing the names of the stockholders, their amount of subscriptions, payments, transfers of stock, and everything pertaining to the stock, which at all reasonable times be subject to the inspection of any and every stockholder.

ART. 5. The principal office of the company shall be in Chattanooga, where all suits must be brought against the company, except those suits touching the title of lands, and those must be brought in the county where the land is situated; but for sake of convenience the directors may establish a branch office at the coal fields, or elsewhere, as may be thought best.

ART. 6. There shall be an annual meeting of the stockholders to receive reports of the respective officers, and to give policy and directions to the officers of the company,

to be carried out by the directors and other officers of the company; and in the annual meeting each share shall represent one vote; and a majority of votes shall determine all questions, except questions of raising means for the use of this company by assessment, levy or otherwise, when three-fourths of all the votes present shall be obtained before such act for raising funds to carry out the objects of the company shall be binding.

ART. 7. The stockholders in their annual meetings shall elect the board of directors, and the directors or a majority of them, shall choose one of their number as president, who shall also be president of the company until the next annual meeting. The directors in the same way shall elect the treasurer, and all other officers and agents of the company, who shall continue in office until they are removed by the directory, or their successors are elected; and if from any cause, these annual elections should not take place, then, in that event, the incumbents shall hold over, and all their acts be valid, until their successors are elected.

ART. 8. All the property of this company, of real estate, or of whatever character, shall be considered and is hereby created personal estate, to be represented by stock, and each stockholder shall be entitled to a certificate or certificates of the stock he or they own, which certificates shall be signed by the president and secretary of the company, and stamped with the seal of the company.

ART. 9. No transfer of stock shall be valid, until such transfer is registered on the books of the company, by the regular transferring agent.

ART. 10. Every stockholder shall be responsible, *pro rata*, for the debts of the company, when the funds or assets of the company are insufficient to pay them, only in proportion to the amount each stockholder may own. The collecting officer shall exhaust all the assets of the company, before proceeding to levy on the property of any stockholder.

ART. 11. The president of the company shall represent all suits of the company, though all legal summons, notices, and writs, served on any regular officer of the company, shall be binding in law.

ART. 12. No person shall be appointed or elected to an office in this company unless owner of one or more shares of stock.

ART. 13. The directors may declare and cause the treasurer to pay semi-annual dividends, *pro rata*, whenever the earnings of the company will justify such distribution.

ART. 14. Each vote in the meeting of the stockholders must be represented by person or written proxy.

ART. 15. Either the president or directors may have call meetings of the company whenever the special interests of the company in their judgment may require.

SECTION 2. *Be it enacted,* That John Whaley, R. M. Stevens, Col. Day, Dr. James E. Godfrey, F. S. Barlow, W. F. Harris, John R. Hains, John S. M. French, John S. Lee, E. A. James and J. P. Buckner, and their associates, be, and are hereby created a body corporate under the name and style of the Rhea Coal Company of Tennessee, with all the rights, privileges, franchises and restrictions as to incorporation, organized and working as the Chattanooga Coal Company of Tennessee, except the principal office of the Rhea Coal Company shall be located in Rhea county, Tennessee: *Provided, moreover,* The rules, by-laws and regulations of said Rhea Coal Company shall not militate against the laws and Constitution of the State of Tennessee or the United States.

Rhea Coal Co.
of Tennessee.

SEC. 3. *Be it enacted by the General Assembly of the State of Tennessee,* That Wm. O. Winston, R. B. Campbell, W. D. Fulton and J. C. Warren, and such other person or persons as may be associated with them, and their successors, be, and they are hereby constituted a body politic and corporate for the purpose of mining coal, iron, and other minerals, and manufacturing railroad iron and other articles, under the name and style of the Chattanooga Manufacturing Company; and as such may have perpetual succession, may sue and be sued, may contract and be contracted with, may have a common seal, may purchase and hold real and personal estate and sell and dispose of the same at pleasure, with all the rights, powers and privileges necessary and proper for them as an incorporated company, to mine, manufacture, and transport their coal and manufactures as they may think proper.

SEC. 4. *Be it enacted,* That the capital stock of said company shall not be less than ten thousand dollars, nor more than five hundred thousand dollars, to be divided into shares of one hundred dollars each.

Capital Stock.

SEC. 5. *Be it enacted,* That the affairs of the company shall be managed by a board of five directors, to be elected by the stockholders, who shall hold their offices for one year and until their successors shall be elected. The directors shall elect one of their number president, and may appoint a treasurer, secretary, and such other officers or agents, and with such salaries as they may deem necessary.

SEC. 6. *Be it enacted*, That for the purpose of enabling said company to mine and manufacture with the facilities of railroads or water navigation, they shall have the power to make such roads and railroads as they may deem necessary, with all the rights, powers and privileges as are granted to the Nashville and Chattanooga Railroad so far as regards the right of way granted to said railroad: *Provided*, No State aid be granted for the construction of the same.

SEC. 7. *Be it enacted*, That in all elections by the stockholders and at all general meetings, the stockholders shall have one vote for every share by them respectively held, and may vote either in person or by proxy. The stockholders may make all by-laws necessary for the regulation of the company not inconsistent with existing laws.

SEC. 8. *Be it enacted*, That if any stockholder shall fail to pay what may be due upon his stock, or any calls that may be assumed on the same, the directors may sue for the same in action of debt before any court having jurisdiction of the amount, or may declare the said shares forfeited to the company, upon giving each delinquent stockholder thirty days' notice that such action will be taken.

SEC. 9. *Be it enacted*, That this act shall be in force from and after its passage, and shall be subject to all general laws passed by the General Assembly of the State of Tennessee affecting corporations of like character.

W. C. WHITTHORNE,

Speaker of the House of Representatives

B. L. STOVALL,

Speaker of the Senate

Passed, February 23, 1860.

CHAPTER 77.

AN ACT to incorporate Jamestown Academy, in Fentress county; the Trustees of Martinezuma Male and Female Academy; the Trustees of the Shelby County Academy; and the Santa Fe Masonic Academy.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That so much of an act passed January the 18th, 1840, as incorporated Van Buren and Mount Cumberland Academy, in Fentress county, be, and the same is hereby repealed.

SEC. 2. *Be it enacted*, That Anderson Finch, E. Crozier, C. B. Huff, Pleasant Miller, Robert Hurst, R. P. Hender-

son and George S. Kingston, be, and they are hereby constituted and appointed by the name and style of the Trustees of Jamestown Academy; by that name may sue and be sued, plead and be impleaded, and shall have the same power, and be governed by the same rules as the trustees of other academies in this State, and shall hold their office for two years, and until their successors are appointed, as prescribed by law, and that any four of them shall constitute a quorum for the transaction of business.

Trustees of
Jamestown Academy.

SEC. 3. *Be it enacted*, That there shall be three places designated to locate said academy, to wit: in the Poplar Cove, Van Buren Academy, and at or within one mile of Jamestown; and the qualified voters of Fentress county, shall, on the first Monday in July, 1860, have the right to vote at the various precincts in said county, at which point or place said academy shall be located; and those in favor of it being located in the Poplar Cove, shall write on their ticket, "Poplar Cove;" in favor of Van Buren Academy, shall write on their ticket, "Van Buren Academy," and those in favor of Jamestown shall write on the ticket, "Jamestown," and said Academy shall be located by the commissioners, at or near the place receiving the highest number of votes.

Location.

SEC. 4. *Be it enacted*, That the sheriff of Fentress county shall open and hold an election at the various precincts in said county, as other elections are opened and held, and make a return of the votes cast in said election to the County Court Clerk of Fentress.

SEC. 5. *Be it enacted*, That the present commissioners of the Mount Cumberland and Van Buren Academies, shall have power to carry out any contracts they have made, or prosecute any suits they have commenced, to judgment.

SEC. 6. *Be it enacted*, That the trustees of Jamestown Academy shall have power to call on and receive from the trustees of the Van Buren and Mount Cumberland Academies, all moneys, debts and effects belonging to the Academy fund of Fentress county, and that the Jamestown Academy shall be the county academy of said county.

SEC. 7. *Be it enacted*, That the trustees of the Jamestown Academy shall have power to sell the buildings and ground belonging to the Van Buren and Mount Cumberland Academies on such terms as they think best, and apply the proceeds of the sale to the building of the Jamestown Academy.

SEC. 8 *Be it enacted*, That Dr. J. P. Sharpe, Thomas J. Williams, John A. Taliaferro, Joseph N. Lannum, John C. Gillespie, S. M. Caldwell, and Dr. W. H. Stilvell, be, and they are hereby constituted and appointed a body

Humboldt, Female College.

politic and corporate, by the name and style of Humboldt Female College, located in the county of Gibson; who shall have perpetual succession, and a common seal; and they and their successors are hereby invested with all legal powers to buy, receive by gift or otherwise, possess, hold, and dispose of any property, and may sue and be sued, commence and prosecute any legal process or processes, and have the same instituted against them, in any of the courts of the State.

SEC. 9. *Be it enacted* That any five of the above named trustees shall constitute a quorum, and shall have full power to establish such departments in said Institution as they may think proper, and shall elect such officers, professors or teachers, as they may deem necessary to secure the object of the Institution, and shall also make such by-laws and regulations as to them may seem best: *Provided*, The same be not inconsistent with the Constitution or laws of this State or of the United States.

SEC. 10. *Be it enacted*, That upon the death, removal or resignation of any of the trustees, the vacancy occasioned thereby, may be filled by the remaining trustees, or a quorum of them.

SEC. 11. *Be it enacted*, That the trustees shall meet as often as they may deem necessary, and that the officers, professors and teachers, may, with the advice and consent of the trustees, confer on any student of said college, or any proper person or persons, any degrees or honors known and conferred in like institutions in this State.

SEC. 12. *Be it enacted*, That sections 1, 2, 3, 4, 5, 6, 7 and 8, of an act passed the 24th January, 1848, chapter 91, page 141, entitled, an act to incorporate the Andrew College, to be located on the site selected for the Jackson Academy, of Putnam county, and for other purposes, be, and the same are hereby repealed.

SEC. 13. *Be it enacted*, That John L. Rogers, John W. Estes, W. T. Weaver, R. Z. Henderson, E. Q. Farrell, Dr. L. M. Fry, G. G. Bankhead, J. G. Randolph, Martin Stewart, A. Wade, T. O. Bankhead, C. W. O'Neil, C. H. Steed, John Sanford, James Fry, Sr., J. J. Johnson, W. Carson, J. N. Hunter and U. Gillespie, be, and they are hereby incorporated for a term of ninety-nine years, by the name and style of the Trustees of Montezuma Male and Female Academy, located at Montezuma, in McNairy county; the above trustees to hold their office until the first Monday in July, 1860, or until their successors are elected and qualified, as hereinafter provided.

Trustees of Montezuma Male and Female Academy.

SEC. 14. *Be it enacted*, That said Institution may be a joint stock company, the stock therein to be divided into

shares of twenty-five dollars each; said stock never to be paid, but the interest thereon to be paid annually on the first Monday of January; the said Institution to be governed by such number of trustees as the present board may determine, five to constitute a quorum for the transaction of business; the first election of trustees to take place on the first Monday in July, 1860, and on the same day annually thereafter, and they shall be elected only from the stockholders; said trustees shall hold their office for one year, and until their successors are elected; all vacancies that may occur by death, resignation or otherwise, may be filled by the board until the next regular annual election; the stockholders may, in all elections, vote in person or by proxy, each share representing one vote. That said board under their incorporate name may sue and be sued, plead and be impleaded, have and use a common seal, receive subscriptions of stock for the erection of, or improving the present buildings, hold real or personal estate, by purchase Powers or otherwise, sell and convey the same, elect a president, secretary and treasurer of their board, and shall keep a record of their proceedings, and after paying all salaries for teachers and lecturers, they shall pay over annually to the stockholders such dividends as may have accrued upon their respective shares of stock, and that said board shall employ all teachers and lecturers, and elect all officers in said Institution, that they may think necessary; may, in conjunction with said officers and teachers, confer all degrees and diplomas as are usual, and have and enjoy all the privileges and immunities which appertain to similar institutions of learning, including the power to make such by-laws and regulations for the government of said corporation and school as they may deem necessary, not inconsistent with the Constitution and laws of the State of Tennessee, or of the United States. That it shall be the duty of said Board of Trustees, to see that said school is conducted on republican principles and equity, free from the inculcation, influence, bias, or preference of any particular religious denomination.

SEC. 15. *Be it enacted*, That the stockholders in said Institution shall have power to sell, transfer and convey their stock or any part thereof by written assignment: *Provided*, A majority of the Board of Trustees at any regular meeting thereof consent thereto, the president shall issue certificates of stock attested by the secretary, giving number of shares and amount taken by each, and the condition of its payment. The treasurer and secretary shall give bond and approved security for all moneys that may come into their hands.

SEC. 16. *Be it enacted*, That the Board of Trustees hereby incorporated, or their successors, whenever the means of said corporation have amounted to a sum sufficient to justify a separation of the male and female departments, may erect separate and distinct buildings suitable for each department, whenever in their judgment such separation becomes necessary and proper.

SEC. 17. *Be it enacted*, That no misnomer or mis-description of said corporation in any deeds, will, gift, grant, devise or other instrument of contract or conveyance, shall abate or defeat the same, but that the same shall take effect in like manner as if said corporation were regularly named: *Provided*, It be sufficiently described to ascertain the intention of the parties.

Trustees of the
Shelby county
Academy.

SEC. 18. *Be it enacted*, That Rt. Rev. J. H. Otey, R. B. Hawley and P. W. Hunt, be, and they are hereby created a body corporate and politic, by the name and style of the Trustees of the Shelby County Academy, with succession for ninety-nine years, and by that name shall have all the rights, powers and privileges of the Memphis Female College, incorporated February 1st, 1854.

Santa Fe Mason-
ic Academy. *See*

SEC. 19 *Be it enacted*, That a male academy to be located in the town of Santa Fe, Maury county, Tennessee, to be known and styled by the name of the Santa Fe Masonic Academy, be, and the same is hereby incorporated, having the same rights and powers as have heretofore been conferred upon academies. That Dr. L. B. Forgey, Jno. Kinzer, Wm. Younger, James Jones and James Coughran, be, and they are hereby constituted and appointed trustees for said academy; that the trustees herein appointed shall have all the powers and privileges conferred by this act upon the Trustees of the Jamestown Academy.

SEC. 20. *Be it enacted*, That this act shall take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

B. L. STOVALL,

Speaker of the Senate.

Passed, February 23, 1860.

CHAPTER 78.

AN ACT to give the Southwestern Railroad Company the further time of two years to bring themselves within the provisions of an act passed 11th February, 1852, entitled an act to establish a system of Internal Improvements in this State, and all acts amendatory thereto, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an act passed on the 11th day of February, 1852, chapter 151, and all acts amendatory thereto, be so amended as to allow and give the further time of two years from this time, to the Southwestern Railroad Company, to bring themselves within the provisions of said act, and the acts amendatory to said act, passed 11th February, 1852.

SEC. 2. *Be it further enacted*, That an act to amend an act to charter the Southwestern Railroad Company, and acts amendatory thereto, chapter 118, passed 8th March, 1858, be so construed that it shall not be necessary for the Southwestern Railroad Company before they are entitled to call for the State aid for the construction of any part of said road, or bridges on said road, to have stock sufficient subscribed to grade and prepare sixty miles of said road, commencing at McMinnville, the southern terminus of said road, but that as soon as the said Southwestern Railroad Company shall grade and prepare fifteen miles of said road for the iron rails, commencing at McMinnville, Tennessee, the terminus of the McMinnville and Manchester Railroad, and also have sufficient good and solvent stock subscribed to grade and prepare fifteen miles more of said road, connecting with the first fifteen miles, it shall be the duty of the Governor to issue to said company, coupon bonds of the State, according to an act, entitled, an act to establish a system of Internal Improvements in this State, all acts amendatory thereto and this act, to equip the first fifteen miles of said road, and also a sufficient amount of the two hundred thousand dollars that is appropriated by an act passed 26th February, 1856, entitled, an act to amend an act to charter the Southwestern Railroad Company, and for other purposes, chapter 235, to build the necessary bridges on said first fifteen miles of said road, so graded and prepared for the iron rails.

SEC. 3. That for each succeeding section of fifteen miles of said Southwestern Railroad, that may be graded and prepared for the iron rails, if good and sufficient solvent stock be subscribed, to grade and prepare the next succeeding fifteen miles of said road for the iron rails, it shall be the duty of the Governor to issue the coupon bonds of the State, to the Southwestern Railroad Compa-

ny, to equip said fifteen miles, and also to build bridges upon the conditions and restrictions mentioned in this act.

Knoxville and
Charleston Rail-
road.

SEC. 4. *Be it further enacted*, That when sixteen miles of the Knoxville and Charleston Railroad shall have been graded and prepared to receive the iron, beginning at Knoxville, it shall be the duty of the Governor of this State, on application of said Knoxville and Charleston Railroad Company, to cause to be issued the bonds of this State, at the rate of ten thousand dollars per mile for the said sixteen miles, together with the bridge aid heretofore granted: *Provided*, That nothing herein contained shall be so construed as to grant any additional State aid, nor no State aid which may have been forfeited by said company shall by this act be renewed.

SEC. 5. That this act take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

B. L. STOVALL,

Speaker of the Senate.

Passed, February 25, 1860.

CHAPTER 79.

AN ACT to regulate paying out the Railroad Tax of Montgomery county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the collector's bond for the collection of the taxes assessed by the county of Montgomery, to meet and pay the interest semi-annually that may accrue upon the bonds issued by said county to the Memphis, Clarksville and Louisville Railroad Company, shall be made to the State of Tennessee, conditioned that the collector shall pay the taxes as he may collect them, into the Bank of Tennessee, at Clarksville, upon the warrant of the Judge of the Montgomery county, taking duplicate receipts from said bank for such payment, one for himself and one for the Judge aforesaid.

SEC. 2. *Be it enacted*, That the Bank of Tennessee aforesaid, shall keep and disburse all such moneys paid into and received by said bank, to the holders of the bonds of said county, in discharge semi-annually of the interest due upon the coupons attached to said bonds, upon the warrant of the Judge aforesaid, free of expense to the county, and shall make to the Judge, semi-annual statements of the

accounts of receipts and disbursements ; the Judge to supervise the collection and disbursements, and keep proper accounts of the same.

SEC. 3. *Be it further enacted*, That the Clerk of the County Court of Montgomery county give bond and security in the sum of five thousand dollars, payable to the State of Tennessee, conditioned to be void should he collect the railroad tax on privileges and pay the same over to such persons as the railroad tax collector is directed to pay his collections to.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

B. L. STOVALL,

Speaker of the Senate.

Passed, February 25, 1860.

CHAPTER 80.

AN ACT to incorporate the Memphis Chamber of Commerce and Merchants' Exchange.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John S. Stratton, William S. Pickett, Robert A. Moore, Adley O. Harris, Samuel Mosby, T. A. Nelson, Wiley B. Miller, Fletcher Lane, William A. Goodwyn, Z. P. Bowels, Warlady Howard, E. M. Apperson, John H. Speed, and Thomas H. Allen, and their associates, be, and they are hereby declared a body politic and corporate, with ninety-nine years succession, by the name of the Memphis Chamber of Commerce and Merchants' Exchange ; and by that name may contract and be contracted with, may sue and be sued in all courts and places and in all matters whatever ; have full powers to acquire, hold, possess and enjoy by gift, grant or otherwise, and the same to sell, and convey all such real estate or other property as may be necessary or convenient for the support and transaction of the business of said Chamber of Commerce and Merchants' Exchange, or which may be conveyed to the same for the security or payment of any debts which may become due and owing to said association, and may make, have and use a common seal, and the same break and alter and renew at pleasure : *Provided*, That the property, funds and revenue of said Chamber of Commerce and Merchants'

Exchange, shall not be used for any other than the purposes of the said association.

Sec. 2. That the real and personal estate, property and funds and revenues of said association, and the administration of its affairs shall be under the exclusive direction of the active members of said Chamber of Commerce and Merchants' Exchange; that the parties named in the first section of this act, or any five of them may call the subscribers of said association together after having given five days' notice in some daily paper published in the city of Memphis, and proceed to organize the same by electing a president and five vice-presidents, who may hold their respective offices until the fourth Monday in September thereafter, or until their successors are elected. The regular election of the officers named shall be held on the fourth Monday in September of each year, at the hall of said association; or if held at any other place, five days' notice shall be given in a daily newspaper published in Memphis. The said president and vice-presidents may appoint a secretary and treasurer, who shall hold his office at the pleasure of the association, or until the first Monday after the fourth Monday in September of each year. The members of said Chamber of Commerce and Merchants' Exchange shall fill all the vacancies in the offices of president and vice-presidents and shall have power to make by-laws and regulations for the government of said association, and to do such other acts as appertain to the said Chamber of Commerce and Merchants' Exchange: *Provided*, No by-laws, rules or regulations shall in any wise be contrary to the Constitution and laws of this State, or of the United States.

3

W. C. WHITTHORNE,

Speaker of the House of Representatives.

B. L. STOVALL,

Speaker of the Senate.

Passed, February 25, 1860.

CHAPTER 81.

AN ACT to incorporate the German Casino, of Memphis.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Dr. A. Thumel, F. W. Buntingham, Henry Buhe, Abram Sisel, Isaac Strana, F. B.

glebucht, and Adolphus Auer, their associates and successors, be, and they are hereby incorporated and created a body politic with succession for ninety-nine years, under and by the name of the German Casino, of Memphis, and by that name may sue and be sued, plead and be impleaded in any court of justice in this State.

SEC. 2. *Be it further enacted*, That said corporation shall have authority to erect and establish a building suitable for the meetings of said association, and for the establishment of a Library and Musical Association.

SEC. 3. *Be it enacted*, That said corporation may obtain and hold by purchase or otherwise, any property, real or personal, necessary for the use and accommodation of the society, and not otherwise, and may dispose of the same at the pleasure of the corporation.

SEC. 4. *Be it enacted*, That said corporation, or a majority of the members thereof, may elect a president, secretary, vice-president, treasurer and librarian, and shall have power to enact such by-laws for their own government and create any other officers necessary for the management of the association, as a majority of the members thereof may think proper: *Provided*, That such laws be not inconsistent with the laws of this State or of the United States.

SEC. 5. *Be it enacted*, That said corporation may increase its memberships by such regulations as a majority of the members may deem proper.

SEC. 6. *Be it enacted*, That this charter may be repealed, modified or amended by any future Legislature: *Provided*, That if said corporation be dissolved, its property real and personal, shall remain and vest in the several members of this association.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

B. L. STOVALL,

Speaker of the Senate.

Passed, February 25, 1860.

CHAPTER 82.

AN ACT to incorporate the Franco-American Mutual Aid Society, of Nashville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Reguin Celestin Ganner, Abraham Strauch, Eugene Oneil, Peter Dargon, Nicholas

Peifer, Andrew Bulot, C. H. Hermot, and F. Dumont, and their successors in office, be, and the same are hereby constituted a body politic, by the name of the Franco-American Mutual Aid Society, of Nashville, and by that name shall have a perpetual succession, and a common seal, and may sue and be sued, plead and be impleaded, in any court of law and equity in this State and elsewhere.

SEC. 2. *Be it further enacted*, That the said body corporate, and their successors in office by the name aforesaid, shall be capable in law to purchase, receive and hold of themselves and their successors for ever, any lands, tenements, goods or chattels, which may be given, granted, or devised to them for the use of the said body corporate, and to use and dispose of the same in such manner as to them shall seem most advantageous to carry out the benevolent object of said association.

SEC. 3. *Be it further enacted*, That any five of the aforesaid parties shall constitute a quorum for the purpose of organizing said society, and a majority of all the members may elect officers as are necessary, for the purposes of said association, and may make such rules, orders and regulations for the government thereof, not in violation of the law of the land, as may be deemed needful and necessary.

SEC. 4. *Be it further enacted*, That this act shall be in force and take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

B. L. STOVALL,

Speaker of the Senate.

Passed, February 25, 1860.

CHAPTER 83.

AN ACT to amend the charter of the Mississippi River Railroad Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the eighth clause in section 22 of the charter of the Mississippi Railway Company, be so amended as to read as follows: "To change the line of its road and branches, whenever a majority of the direct-

ors may so determine, and such change of line may permit a location of its northern terminus at a point or points as nearly opposite Cairo, or Mound City, in Illinois, as may be found most practicable: *Provided*, That said road must be built in and through the counties named in the charter of said company:” *And provided, further*, That said road shall be located through the town of Dyersburg, in Dyer county, Tennessee.

SEC. 2. *Be it further enacted*, That said road shall pass through the town of Troy, in the county of Obion, if the citizens of said county may so elect.

SEC. 3. *Be it further enacted*, That B. B. Waddell, Moses J. Wicks, Bedford M. Estes, Charles D. McLean, H. A. Montgomery, Robert Wade, C. H. Williams, John C. Lanier, and such others as may become stockholders, be, and the same are hereby constituted a body politic and corporate, by the name and style of the Memphis and Rice Line Railroad Company, for the purpose of constructing, equipping and keeping in operation a railroad from a point on the eastern boundary line of the city of Memphis, to be determined by said company, eastwardly to, and along the south boundary line of the John Rice five thousand acres grant, to the southeast corner of said grant, and to establish such branch, tracks or roads, extending southwardly or northwardly from said main road, as said company may desire.

Rice Line Railroad.

SEC. 4. *Be it further enacted*, That said Memphis and Rice Line Railroad Company shall have all the powers and privileges, and be subjected to all the restrictions granted to and imposed upon the People's Passenger Railroad Company, of Memphis, by an act, entitled, an act to incorporate the Peoples' Passenger Railroad Company, of Memphis, passed on the first day of February, 1860.

SEC. 5. *Be it further enacted*, That said company may operate said railroad and branch railroads with animal or steam power, with the consent of the County Court, of the county of Shelby.

SEC. 6. *Be it further enacted*, That nothing herein contained, shall conflict with any privileges heretofore granted to the city of Memphis.

W. C. WHITTHORNE,
Speaker of the House of Representatives.
B. L. STOVALL,
Speaker of the Senate.

Passed, February 25, 1860.

CHAPTER 84.

AN ACT for the relief of John H. Payne, Clerk of the Circuit Court of Bradley county, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Comptroller of the Treasury be, and he is hereby authorized and required to issue his warrant in favor of John H. Payne, Clerk of the Circuit Court of Bradley county, upon the Treasury, for the sum of one hundred and twenty-five dollars, on account of moneys paid by him under mistake, in the case of the State, *vs.* M. Williams, and others.

SEC. 2. *Be it further enacted*, That James Curtis, John Howard, and B. C. Petitt, administrators of A. D. Gentry, deceased, are entitled to demand and receive the sum of seventy-five dollars, with interest, each, from the Common School Commissioners of Toqua School District, in Monroe county, costs by them expended in defending suit brought against them as Common School Commissioners for the school land situated in said district, and that said compensation be paid out of any school moneys belonging to said district, according to an act of Assembly, passed February 20th, 1852.

SEC. 3. *Be it further enacted*, That if the tax collector for Maury county, against whom and his securities, judgment was taken in favor of the State, at the January term, 1860, of the Circuit Court for Maury county, shall pay the principal and interest of the revenue due the State, on, or before the first day of July, next, then, and in that event, the Attorney General for that district shall release the damages taken upon said defendants, and the commissions due him on the amount paid over to the Comptroller previous to judgment: *And, provided further*, That if the securities of said tax collector shall have to pay the said judgment, the time of twelve months from the first Monday in May next is hereby authorized to be extended to said securities in which to make the payment of said judgment aforesaid.

SEC. 4. *Be it enacted*, That the Comptroller of the Treasury issue a warrant on the Treasury to Joseph R. Thompson, late tax collector of Rutherford county, for fifty-two dollars and twenty-two cents, (\$52 22), twice paid by him into the Treasury, if upon the certificate of the Clerk of the County Court, it shall appear that the said Thompson has been improperly charged with this amount,

Tax Collector
Maury county.

Tax Collector
Rutherford
county.

and paid the same into the Treasury; and that this act take effect from and after its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

B. L. STOVALL,
Speaker of the Senate.

Passed, February 23, 1860.

CHAPTER 85.

AN ACT to incorporate Lebanon Female College, and to incorporate the Southern Baptist Sabbath School Union.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That there shall be established in the town of Lebanon, in the county of Wilson, an institution of learning, having a corporate existence, under the name and style of the Lebanon Female College; which shall be governed by seven trustees, who, and their successors, shall constitute a body politic and corporate. A majority of said board shall constitute a quorum to transact business. The first Board of Trustees of said institution shall consist of the following named persons: Paulding Anderson, Henry D. Lester, Joseph M. Anderson, Jasper R. Ashworth, Patrick H. Anderson, J. L. Haynes and Wm. L. Martin, who shall have succession for ninety-nine years. All vacancies that may occur in said board shall be filled by the remaining members thereof, which said action shall be entered upon their minutes.

SEC. 2. *Be it further enacted*, That at all times a majority of said board of trustees shall be members of the Baptist church, and the pastor of the Baptist church in Lebanon, for the time being, shall be ex-officio president of said board, but shall have no power to vote, unless he shall be elected as a member of said board to fill a vacancy. In the absence of any pastor of said church, said board shall have power to elect a president from their own body. Said board shall have power to select from their own body a secretary and treasurer, and in the absence of any of the regular officers, to fill their places by temporary appointments.

SEC. 3. *Be it further enacted*, That said board shall have power to employ all necessary teachers, to elect, if they choose, a president of said institution, to remove the

president or teachers at their discretion, to fix the rate of tuition, prescribe the course of study, make all rules and regulations which they may deem necessary for the interests of the college. They shall have power to hold real and personal estate either by purchase, gift, devise or bequest, and sell, exchange or dispose of the same as the interest of said institution may require. They may sue and be sued, plead and be impleaded in the name of Lebanon Female College, and may have a common seal. They shall have the right, if they think proper, in conjunction with the teachers, to confer such literary degrees and grant such diplomas as they may deem proper, and such as are usual in colleges; and have and enjoy all such powers and privileges as are incident to institutions of learning of the description herein provided for. They shall have power to make all necessary by-laws and regulations relative to said college as they may deem necessary: *Provided*, The same are not inconsistent with the constitution and laws of this State and of the United States.

SEC. 4. *Be it further enacted*, That in the conveyance of real estate or the transfer of assets, or in any other business transaction, the name of the president of said board, signed by the order of the board, shall be sufficient to bind said corporation.

SEC. 5. *Be it further enacted*, That in conveyances of property or money to said college, either by deed, devise, or bequest, a misnomer of said institution shall not vitiate the same, but it shall be good, provided it is described or named with sufficient certainty to identify it as the institution to which said deed, devise, or bequest is made.

WHEREAS, Sundry citizens of the States of Tennessee, Kentucky, Arkansas, Louisiana, Mississippi, Alabama, Georgia and South Carolina, assembled in convention in the city of Memphis, Tennessee, on the 26th day of November, 1858, and days following, and consummated the organization of an association under the name of the Southern Baptist Sabbath School Union, locating their executive board in the city of Nashville. Therefore,

SECTION 6. *Be it enacted by the General Assembly of the State of Tennessee*, That John F. South, D. D., president, and such other persons as are now in office and may hereafter be elected by the life directors and life and annual members in pursuance of the constitution thereof, be, and they and their successors are hereby constituted a body corporate and politic for the term of ninety-nine years, by the name and style of the Southern Baptist Sabbath School Union; and shall enjoy all the powers and immunities incident to corporations of this description.

SEC. 7. *Be it enacted*, That in pursuance of the constitution of the Union, there shall be elected at each annual meeting thereof, an executive board of twenty-one persons, to manage the affairs of said corporation when not in session; and said executive board shall from among their own numbers annually elect a president, shall have power and authority in the name of the president thereof, and his successors in office, to contract and be contracted with, sue and be sued, plead and be impleaded, in any court of law or equity; may take and hold any appropriations, grant, donation or bequest of personal property or real estate upon trust for the corporation; to apply the same, or the income, or the increase, or proceeds of the same, to the uses and purposes of the corporation, and according to the intention and terms of such appropriation, grant, donation or bequest; may purchase real estate and hold the same upon trust for the corporation, such as may be deemed necessary for their publishing operations, and sell or exchange the same as a majority of the corporators at an annual or semi-annual meeting may determine.

SEC. 8. *Be it further enacted*, That all deeds, conveyances, receipts and acquittances, bonds, obligations, or other papers executed by the said Executive Board, shall be signed by the president of the board, or the person acting as such, *pro tem.*, and the financial secretary thereof under the corporate seal, when a seal is necessary.

SEC. 9. *Be it further enacted*, That no misnomer or misdescription of said corporation or the Executive Board thereof in any deed, will, gift, grant, devise, or other instrument of contract or conveyance, shall abate or defeat the same, but the same shall take effect in like manner as if the said corporation or Executive Board were regularly named: *Provided*, It be sufficiently described to ascertain the intention of the parties.

SEC. 10. *Be it further enacted*, That this act take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

B. L. STOVALL,

Speaker of the Senate.

Passed, February 27, 1860.

CHAPTER 86.

AN ACT to change the time of holding the Circuit Court at Harrison, Hamilton county, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter the Circuit Court of Hamilton county shall be holden on the first Mondays of February, June and October, instead of the fourth Mondays of March, July and November, as now prescribed by law: *Provided, however*, The next term of said court shall be holden on the fourth Monday of November, 1859, as now prescribed by law, and also the March term in 1860.

SEC. 2. At the March term, 1860, of said court, the Judge of said court shall cause all recognizances to be taken to said June term, and all processes and precepts to be made returnable to that term.

SEC. 3. *Be it further enacted*, That the Chancery Court at Chattanooga shall hereafter be holden on the fourth Mondays in January and July in each year, instead of the second Mondays in January and July, as now provided by law. The first court after the passage of this act to be holden on the fourth Monday in July, 1860.

SEC. 4. *Be it further enacted*, That the Judge of the fifth circuit shall hold the Chancery Court at Crossville, in Cumberland county, on the first Mondays in January, May and September; and the Judge of the sixth circuit shall hold the Chancery Court at Cooksville, in Putnam county, on the fourth Mondays of April, August and December.

SEC. 5. *Be it further enacted*, That a new civil district, to be known as the seventeenth civil district, in Hamilton county, to be established out of that portion of the fifth district in said county west of Chattanooga creek. To commence on the Georgia State line where Chattanooga creek crosses said line; thence with said creek down said creek to the Tennessee river, to the line of the fourth civil district; thence with the line of said fourth district to the Georgia State line, and thence with the Georgia State line to the beginning.

SEC. 6. *Be it further enacted*, That said 17th civil district shall be entitled to two Justices of the Peace and one constable, to be elected at the next regular election and qualified as other similar officers, and that said district shall have all the privileges and be liable to all the restrictions of other civil districts in Hamilton county, and their place of voting shall be at the cross roads, at or near the foot

of Lookout Mountain; and that the sheriff of Hamilton county open and hold an election at said precinct at the next regular election for county officers, and at the same time and place for Justices of the Peace and constable for said district, and make his returns as now required by law for the civil districts and district officers: *Provided*, Said precinct may be removed in the same way and manner as the precinct in other districts may be: *And, provided further*, If an election is not holden for district officers at the next regular election, then an election may be holden at any time and in the mode prescribed by law for the election of district officers in other districts in case of vacancies.

SEC. 7. *Be it further enacted*, That until Justices of the Peace are elected, commissioned and qualified, the Justices of the fifth civil district shall have the same jurisdiction in said 17th district as they now have by law.

SEC. 8. *Be it further enacted*, That said 17th civil district shall be added to the Law Court and Chancery Court at Chattanooga, upon the same terms and conditions that the 4th civil district was added to said courts by the original act creating said courts.

SEC. 9. *Be it further enacted*, That this act take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

B. L. STOVALL,

Speaker of the Senate.

Passed, February 28, 1860.

CHAPTER 87.

AN ACT to incorporate the Third Presbyterian Church, of the city of Memphis; to incorporate the German Reformed Church of the Twingley Association; to incorporate the Lafayette Baptist Church; to incorporate the Church of the Holy Trinity, of Nashville, and to incorporate the Baptist Church of Lebanon.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Armstead Morehead, James B. Smith, George B. Guerrant, Josiah N. Sample, and Walter S. Morehead, and their successors in office, be, and they are hereby constituted a body politic and corporate, by the name and style of the Trustees of the Third Presbyterian Church of the city of Memphis, with power to sue and be

sued, plead and be impleaded, answer and be answered in all kinds of actions and suits, and to do all other acts and things, which bodies corporate may lawfully do, to receive by gift, donation, or purchase, and hold, sell or exchange, or otherwise dispose of, personal, real and mixed property, as in the opinion of said trustees may best subserve the interest of said church, including any property heretofore conveyed to, or intended for the benefit of said church, especially the lot on which said church has been erected, conveyed by E. H. Porter. They shall have power to make all by-laws, rules, and regulations necessary for their own government, to choose their own officers and remove the same at pleasure, in such manner as they may prescribe; to prescribe the mode in which their successors shall be chosen, to fill vacancies, and do all other acts and things necessary to the objects of this corporation, consistently with the laws and Constitution of the State of Tennessee, a majority of said trustees to form a quorum.

SEC. 2. *Be it enacted*, That said trustees shall have the power to establish, govern and direct by such rules and regulations as they may deem proper, consistently with said laws and constitution, on their church lot, or conveniently thereto, an academy, seminary or college, for the education of youth, by such name as they adopt, and appoint a president, secretary and teachers thereof and remove the same at pleasure; to grant diplomas and certificates of merit in such form as they may prescribe from time to time, and to receive by donation or otherwise, and hold, sell, or exchange or otherwise dispose of any kind of property for the use, benefit and advantage of said Institution, and to do all other things necessary and proper to be done, in their judgment, for the interest of the same.

German Reform-
ed Church.

SEC. 3. *Be it enacted*, That Joseph Lewis, Sona Bouhard Zobust, Daniel Benceeclyn, Anton Mathis, and their associates and successors in office, be, and they are hereby constituted and incorporated a body politic, under the name and style of the Trustees of the German Reformed Church of the Twingley persuasion, at Westburg, in Morgan county, and shall have the same powers and privileges, and be governed by the same rules and regulations as the German Lutheran Church at Westburg, in Morgan county, incorporated by a former act of the Legislature.

Lafayette Bap-
tist Church.

SEC. 4. *Be it enacted*, That Thomas Gammons, E. G. Cartwright, M. N. Alexander, F. J. Cartwright, William J. Maddox, and their successors in office, be, and they are hereby constituted a body politic and corporate, by the name and style of the Trustees of the Lafayette Baptist Church, in Macon county, in the State of Tennessee, with

power to sue and be sued, plead and be impleaded, and answer and be answered, in all kinds of suits and actions, and to do all other acts and things, which bodies corporate may lawfully do.

SEC. 5. *Be it enacted*, That the corporation shall have power to receive by gift, donation or purchase, and to hold personal and mixed property, to sell, exchange, or otherwise dispose of the same as said trustees in their judgment may think best to subserve the interest of said church.

SEC. 6. *Be it enacted*, That said board shall have power to make all by-laws, rules and regulations necessary for their own government, to choose their own officers in such manner as the board shall prescribe, to provide the mode in which their successors shall be chosen, to fill vacancies and do such other acts as may be necessary to carry out the object of the incorporation: *Provided*, Their laws and regulations are not inconsistent with the State Constitution.

SEC. 7. *Be it enacted*, That Thomas Treanor, Thomas O. Treanor, William Feunegon, Charles Sheppard, Daniel Burchett, and William Simmons, be, and are hereby constituted a body politic and corporate by the name and style of the Warden and Vestrymen of the Church of the Holy Trinity, at Nashville, Tennessee, with power to sue and be sued, to plead and be impleaded, answer and be answered in all kinds of suits and actions and to all acts and things which bodies corporate may lawfully do. That the corporation shall succeed to all property which may have heretofore been held or may now be held by a trustee or trustees, for and in the name of said church. That the corporation shall have power to receive by gift, donation or purchase, and to hold personal, real, and mixed property; to sell, exchange, mortgage or otherwise dispose of the same as in their judgment may best subserve the interests of said church. That said board shall be empowered to do all acts and things, to pass all by-laws which may be necessary to the carrying out of the object of this corporation: *Provided*, None of said acts, by-laws and regulations, be inconsistent with the Constitution and laws of the State. That a majority of said Board of Wardens and Vestrymen, shall constitute a quorum to transact business; that the board is to be renewed and vacancies filled in the manner prescribed and allowed by the constitution and canons of the Protestant Episcopal Church in the Diocese of Tennessee.

SEC. 8. *Be it enacted*, That P. Anderson, Deacon F. Underwood, J. R. Ashworth, J. T. Cox, deacons of the Baptist Church at Lebanon, and their successors, be, and they are hereby made a body corporate and politic, by the name of the Baptist Church of Lebanon, and by that name

Church of the
Holy Trinity.

Baptist Church,
Lebanon.

may sue and be sued, plead and be impleaded, and have and use a common seal, and succession for ninety-nine years.

SEC. 9. *Be it enacted*, That said corporation shall have power to purchase and hold real and personal estate, not to exceed the sum of one hundred thousand dollars, and shall have power to sell and dispose of the same; said property shall be held by said corporation for the purpose of promoting the objects of its creation.

SEC. 10. *Be it enacted*, That said corporation may receive property, real and personal, by gift, bequest, or devise, and a mistake in the name of the corporation shall not vitiate the same: *Provided*, It shall be named with sufficient certainty to designate the object of the gift, devise or bequest.

W. C. WHITTHORNE,

Speaker of the House of Representatives

B. L. STOVALL,

Speaker of the Senate

Passed, February 28, 1860.

CHAPTER 88.

AN ACT to extend the corporate limits of Decaturville, in the county of Decatur; to incorporate the town of Milton, in Rutherford county; to incorporate the town of Lavergne, in Rutherford county; for the benefit of Mt. Pleasant; to limit the corporate limits of the town of Bolivar; to establish a voting place at Toon's depot, in Hamman county; and for the benefit of the town of Murfreesboro'.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the corporate limits of the town of Decaturville, in the county of Decatur, be, and they are hereby extended as follows: Beginning at the south-west corner of a two hundred acre tract of land in the name of John McMillan, running south to the north boundary line of C. Holeng's land; thence east with the same to the west boundary of Blackfair's entry; thence north to the north-east corner of said two hundred acre entry of said McMillan; thence west passing the northwest corner of the same 100 poles; thence south to a point west of the south-west corner of the same; thence east, to the beginning, including the graveyard, church and academy.

SEC. 2. *Be it further enacted*, That said part so included shall have all the rights, and subject to all the laws, rules and regulations that the other part of said town now is: *Provided, however*, Said graveyard, church and academy shall not be subject to taxation in said town.

SEC. 3. *Be it further enacted*, That section 4 of the act passed on the 26th February, 1858, chapter 55, be so amended that three of said aldermen shall constitute a board for the transaction of business, instead of five.

SEC. 4. *Be it further enacted*, That hereafter the 16th civil district in McMinn county, shall be entitled to elect one additional constable, who shall be elected at the next regular election for county officers; and said additional constable shall be a resident of the town of Calhorne. McMinn county.

SEC. 5. *Be it further enacted*, That the following specified boundaries shall constitute the corporate limits of the town of Fayetteville, in the county of Lincoln, viz: Beginning at an elm marked "F," on the west bank of Norris creek, about ten poles south of the mouth of the tanyard branch; thence to the southeast corner of the lot purchased for a fair ground; thence with the southern boundary of said lot to the southwest corner of the same; thence north to the northeast corner of the lot now occupied by William French; thence with Fulton's line to the Tom Mabray lot; thence, including said lot, to the southwest corner of the college lot, to the African Church, on Rock Hill; thence, including said church, to the north corner of the Female Academy lot; thence in a northeasterly direction to the turnpike bridge over Dry creek, on the lands of James Bright; thence with Dry creek to Norris creek; thence with Norris creek to the beginning. Fayetteville.

SEC. 6. *Be it further enacted*, That none of the lands included within the limits prescribed by the foregoing section which were not included within the former chartered limits of said town, shall be subject to the corporation taxes until the same be laid off in town lots: *Provided*, That the fair grounds included within the said limits shall not be subject to corporate taxes.

SEC. 7. *Be it further enacted*, That the town of Rutherford, in the county of Gibson, and the inhabitants thereof living within the following bounds, *to wit*: Beginning at the northwest corner of the plan of the town, a sweat-gum, with pointers; run south one hundred and sixty poles, to a stake; thence west one hundred and sixty poles, to a stake; thence north one hundred and sixty poles, to a stake; thence east one hundred and sixty poles, to the beginning, be, and they are hereby incorporated a body politic, under the name and style of the Mayor and Aldermen of the town of Rutherford; and by that name and style may have all the incorporate privileges given to the town of Trenton, by an act passed December 14th, 1847, entitled An Act to incorporate the town of Trenton in the county of Gibson, and all acts amendatory thereof. Rutherford in
Gibson county.

Gainsboro'.] SEC. 8. *Be it further enacted,* That the corporate limits of the town of Gainsboro', in the county of Jackson, in said State, be so extended on the west as to include the property of William H. Botts, and also the property of John M. Gipson, lying immediately west of, and adjoining the present corporate limits of said town.

Greenville. SEC. 9. *Be it further enacted,* That hereafter it shall be lawful for any citizen or citizens owning real estate directly adjoining or contiguous to the town of Greenville, to make application to the mayor and aldermen of said town, by petition or otherwise; a majority of the freeholders of the territory proposed to be incorporated concurring; and upon the presentation of such application, the mayor and aldermen may admit such territory as a part of the town of Greenville upon such terms as may be agreed upon between the applicants and the mayor and aldermen.

Town of Milton. SEC. 10. *Be it further enacted,* That the town of Milton, in Rutherford county, and the inhabitants thereof included within the limits of the town as marked out in the plot of the same, are hereby constituted a body corporate and politic, by the name and style of the Mayor and Aldermen of the town of Milton; and may have and enjoy all the rights, immunities and privileges granted to the citizens of Murfreesboro' by their act of incorporation, and the acts amendatory thereto, so far as they may be applicable, with the exception of a Mayor's and Recorder's Court.

Lavergne.' SEC. 11. *Be it further enacted,* That the town of Lavergne, in Rutherford county, is hereby incorporated with the following boundaries, to wit: Beginning at the railroad station, as marked in the plan of said town, on the Nashville and Chattanooga railroad; running thence in an eastern direction, with the railroad six hundred and seventy yards; thence southwardly, perpendicular to said road, six hundred yards; thence, parallel to said road, six hundred and seventy yards in a westerly direction, and thence to the beginning.

SEC. 12. That the citizens of Lavergne thus included within the above boundaries, are hereby declared a body corporate and politic, and may enjoy all the immunities and privileges and be subject to all the liabilities of the citizens of Murfreesboro', secured to them by their charter of incorporation and the acts amendatory thereto, with the exception of a Mayor's or Recorder's Court.

Mt. Pleasant. SEC. 13. *Be it further enacted,* That the acts, by-laws and resolutions of the Board of Mayor and Aldermen of the town of Mt. Pleasant, elected last December, and now acting as such, shall be as legal and valid as if said Board

of Mayor and Aldermen had been elected upon the day prescribed by the charter of said corporation and the amendments thereto.

SEC. 14. *Be it further enacted*, That the corporate limits of the town of Bolivar be as follows: Beginning at the eastern terminus of Market street, on the south side of, at the original east margin of said town; from thence south with the same and passing its southeast corner as now surveyed, to the north boundary of six hundred and forty acres of land originally entered in the name of Baily Hardeman; thence west with the same, and with the south boundary of Polk's addition to its southwest corner of Mrs. O. P. Ramsey's dower interest in the land which formerly belonged to Major Wm. Ramsey, deceased; thence east, passing the said southwest corner of Mrs. O. P. Ramsey's said dower interest, to a point immediately north of the northwest corner of said O. P. Ramsey's lot, bought at the sale of Major Wm. Ramsey's real estate by Martin Ramsey; thence south, to the Purdy road; thence westward with the same to the beginning.

Town of Bolivar.

SEC. 15. *Be it further enacted*, That there is hereby established in the — civil district of Hardeman county, shall open and hold an election at that place as well as at the voting places now established by law at all elections, and the legal voters in said district shall have the right to vote at either place, and the votes given in at Toon's depot shall be as legal and reported the same way as if they had voted at the present voting place in said district.

Hardeman
county.

SEC. 16. *Be it further enacted*, That all laws and parts of laws coming in conflict with this act be, and the same are hereby repealed; and that this act take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives,

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, February 28, 1860.

CHAPTER 89.

AN ACT to amend and extend the charter of Moses Thompson Turnpike road, in Rhea and Cumberland counties; to incorporate the Richland Valley Turnpike Company; the Middleton Turnpike Company; the Fosterville and Rover Turnpike Company; the Yellow Springs and Montvale Turnpike Company; the Richland Turnpike Company; the Wartrace Turnpike Company; the Mount Juliet and Cedar Creek Valley Turnpike Company; the Unionville, Chapel Hill and Caney Springs Turnpike Company; the Extension Turnpike Company; the Consolidated Turnpike Company; the Worthburg Turnpike Company; the Northruss Turnpike Company; the Statesville and Cherry Valley Turnpike Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an act passed in 1840, and amended on the 5th day of February, 1842, granting to Moses Thompson a charter for a turnpike road, be, and the same is hereby repealed; and that William R. S. Thompson, the present owner, be, and he is hereby authorized to begin said turnpike road, commencing at a point on Worthington, S. Graves' turnpike road in the Grassy Cove, in the county of Cumberland; thence crossing Walden's Ridge, the most direct, and practicable route to the foot of said mountain, in Rhea county, so as to descend the said mountain between David M. Roddy's gap and Piney river at what is called the Shulton, and that the said Thompson shall make and keep said road sixteen feet wide, cleared of all obstructions, on level land where the same is practicable; all ground necessary to be causewayed shall be ditched on each side of the hill and mountain sides, to be kept twelve feet wide, cleared of all impediments where the same is practicable; Piney creek, near the house of said Thompson, to be kept bridged substantially, twelve feet wide.

SEC. 2. *Be it enacted*, That James Robison, of Rhea county, and John Garrison, of Cumberland county, are appointed commissioners on said road, whose duty it shall be, before acting as commissioners, to take an oath before a Justice of the Peace, to do impartial justice between the State and said Thompson, and to view said road, and if in the order as required by this act, to issue a license to the said Thompson, his heirs, &c., to erect a toll gate on any part of said road he may think proper.

SEC. 3. *Be it enacted*, That said commissioners shall view said road at least once in every six months, and if at any time found to be out of order, to open said gate, which shall remain open until received by one of said commissioners, and shall receive two dollars per day each for every day they may be engaged in viewing said road, to be paid by the said Thompson.

SEC. 4. *Be it enacted*, That said Wm. R. S. Thompson, his heirs, &c., is hereby entitled to the exclusive benefit of

said road for twenty-five years after the passage of this act, and shall be entitled to receive the following toll, to wit: for each man and horse, ten cents; for a led horse or mule, jack or jennet, not in a drove, five cents, in a drove, three cents; for each head of cattle, two cents; for each hog, one cent; for each four-wheeled carriage, if drawn by one horse, mule or ox, fifty cents, if by two, sixty cents, if by three, and not more than four, seventy-five cents, if over four, eighty cents; for each two-wheeled carriage of pleasure drawn by one horse or mule, twenty-five cents; for each four-wheeled carriage of pleasure drawn by one horse or mule, fifty cents, if by two horses or mules, twenty-five cents, if by four, one dollar. Tolls.

SEC. 5. *Be it enacted*, That if any person shall forcibly or secretly pass said gate without paying the toll, or go around the said gate to avoid the payment of the toll, such person so offending shall forfeit and pay twenty-five dollars for every such offence to the said Thompson, his heirs, &c., recoverable before any Justice of the Peace in the State of Tennessee.

SEC. 6. *Be it enacted*, That the gate-keeper or keepers, appointed by said Thompson, shall take an oath before some Justice of the Peace, that they will not exact any greater toll, than is by law allowed, and will justly and truly pay over to said Thompson, &c., all monies collected, when applied for. Gate Keepers.

SEC. 7. *Be it enacted*, That the subscribers of stock for building a turnpike road from Fitzpatrick's station, on the Central Southern Railroad, running eastwardly to the Lewisburg and Pulaski turnpike, at Mrs. M. A. Rothrocks', shall constitute a body corporate and politic, by the name of the Richland Valley Turnpike Company, and by that name may sue and be sued, plead and be impleaded, have a common seal and succession for ninety-nine years. Richland Valley Turnpike.

SEC. 8. *Be it enacted*, That the capital stock of said company shall be ten thousand dollars, in shares of twenty-five dollars each; but if a greater sum is necessary to complete the road, the board of directors may raise the capital to the necessary amount: *Provided*, It shall not exceed thirty thousand dollars.

SEC. 9. *Be it enacted*, That Shelby B. Marsh, John Gordon, William H. Jackson, Chisley W. McMillan, William Perry, Barnabas R. Lane, Thomas M. Gordon, C. H. Walker, William W. Smith, William Abernathy, and Newton White, or any seven of them, be, and they are hereby appointed commissioners to open books to receive subscriptions for stock for the purpose of building said road

at such times and places as they may think best, either in cash subscriptions, or in work to be done on said road; and when the sum of three thousand dollars is subscribed, either in cash or in work to be done on said road, a meeting of the stockholders shall be held at such time and place as a majority may designate, all being notified, and when assembled, they shall proceed to elect seven directors, being stockholders, who shall elect one of their number president of the board of directory, and the president and directors thus chosen shall have power to elect a secretary and treasurer, to pass by-laws, and fully organize and put under contract the building of said road.

SEC. 10. *Be it enacted*, That each stockholder shall have as many votes as he has shares, as well in the election of directors, as in all other matters in which, by this act, he may be entitled to vote; he may vote in person or by proxy, the proxy to be a stockholder, authorized in writing conferring the general power to vote as his representative or special power to cast his vote in the particular way directed.

SEC. 11. *Be it enacted*, That all the officers so elected and chosen, shall hold their respective offices for two years from date of election, and until their successors be chosen and appointed; and such president and directors shall have full power to make contracts with any person or persons, for the clearing and opening and making the said road along the route which shall be marked out by a majority of the aforesaid commissioners.

SEC. 12. *Be it enacted*, That said road shall be thirty feet wide, graded twenty feet; and shall be cleared of timber at least eight feet on each side of the bed, with good and sufficient bridges, culverts, and ditches, to drain the water. The first coat of stone or gravel to be at least sixteen feet wide, six inches thick; the second coat to be eight feet wide, six inches thick, and of the usual size that is used on turnpike roads. The road to be graded to five degrees of a level. The surface shall gradually descend from the centre to the ditches.

SEC. 13. *Be it enacted*, That timber, stones, gravel or either, may be taken by said company, or its agents, from any lands adjacent or convenient to the road for the making and repairing thereof, or if damages are claimed therefor, they shall be recovered as provided for in section fourteen. The company shall have the right of way in the mode prescribed by law.

SEC. 14. *Be it enacted*, That any person over whose land the road may run, may petition the Circuit Court, whereupon the court shall order the sheriff to summon a jury of

five free-holders, to assess the damages, taking into view the benefits the petitioner will derive from the road, or upon the return of the report to the court, if confirmed, judgment shall be rendered and execution shall issue.

SEC. 15. *Be it enacted*, That the company shall be entitled to one gate for every four miles of road; and when four miles of the road are completed at either end, or both, may put up gates, and the toll shall be as follows, viz: at each gate, one cent per head for hogs or sheep; two cents per head for cattle, horses or mules in a drove; for horses and mules not in a drove, not employed in drawing, five To be cents per head, whether mounted or not; for every loaded wagon, twenty-five cents; for every empty wagon, ten cents; every loaded cart, ten cents; every empty cart, five cents; for barouches, and other similar two-horse carriages, twenty cents; for one-horse buggies, and other similar vehicles for the conveyance of persons, ten cents; other vehicles for the transportation of goods or produce, ten cents.

SEC. 16. *Be it enacted*, That no person shall be at liberty to pass any gate without paying the toll to which he is liable; or if he does the gate-keeper may sue him in the name of the company before any Justice of the Peace, and recover five dollars in addition to the amount of toll for which he is liable.

SEC. 17. *Be it enacted*, That on information given by any person on oath to any Justice of the Peace, that the road has been twenty days out of repair, the justice shall issue a warrant to some constable of the county, or the sheriff against the nearest gate-keeper, or the president of the directory, to appear before him at the time and place therein specified, and also commanding him to summons three free-holders to appear before him at the time and place to investigate the complaint, and if they find it true, the justice shall give judgment, that the nearest gate, or the two nearest gates in his discretion, shall be opened and charge no toll until the road is duly repaired and also for the cost of the proceedings. On due proof before the justice, that the road is repaired, he shall order that the gate or gates be again closed. To keep road in repair.

SEC. 18. *Be it enacted*, That officers and justices shall be entitled to the same fees as for similar services, and the jurors provided for in this act shall be entitled to one dollar each.

SEC. 19. *Be it enacted*, That in letting out said road under contract, the directors shall give a preference to stockholders, desiring to work out their subscriptions: *Provided*, Such stockholders will undertake contracts on as good terms as any other person or persons.

West Harpeth,
Franklin and Li-
berty Turnpike
Companies.]

SEC. 20. *Be it enacted*, That the Franklin West Harpeth Turnpike Company, and Franklin and Liberty Turnpike Company, are hereby empowered to build their respective roads as specified in their respective charters, or they may, at their election, build said road ten feet wide, with stone or gravel, six inches deep on the first coat, and the second coat stone or gravel, eight feet wide, and six inches deep, and the said act incorporating said companies is in this respect hereby amended.

Middleton Turn-
pike Company.

SEC. 21. *Be it enacted*, That Coleman Harrison, Henry Hall, Thomas O. Butler, Thompson Jarratt, John P. Smith, Robert Boyd, J. B. Kimbo, and J. M. Leatherman, or any five of them, be, and they are hereby appointed commissioners to open books to receive subscriptions for stock for the purpose of building a turnpike from such point as they may, or a majority of them may designate, on the Salem turnpike road, in Rutherford county, to Mrs. Henry Jamison, in said county, a distance of about five miles, at such times and places as they may think best, either in cash subscriptions or in work; and all of the above named persons, or so many of them as shall unite in making said road, or any other person or persons not named, who shall aid in its construction, or any seven of them shall be commissioners to locate said road, shall be, and they are hereby appointed a body politic and corporate, by the name and style of the Middleton Turnpike Company.

Toll.

SEC. 22. *Be it enacted*, That said company shall have power to erect one toll gate on said road, at such point as a majority of them may designate, and they shall be allowed the same rate of toll that is allowed in an act incorporating the Christiana and Dughollow Turnpike Company, and they shall furthermore be entitled to all the powers, privileges and immunities, and be subject to the same penalties that are given and conferred upon the said Christiana and Dughollow Turnpike Company.

Fosterville and
Rover Turnpike
Company.

SEC. 23. *Be it enacted*, J. F. McKee, J. F. Watkins, William Morgan, A. M. McLean, R. B. McLean, William Jackson, Esq., James Foster, W. G. Hight, be, and they are hereby appointed commissioners to open books to receive subscriptions for stock for the purpose of building a turnpike road from Fosterville, in Rutherford county, to Rover, in Bedford county, at such times and places as they may think best, either in cash subscriptions or in work, and all of the above named persons, or as many of them as shall unite in making said road, or any other persons not named, who shall aid in the construction of said road, or any seven of them, shall be commissioners to locate said

road, shall be, and they are hereby incorporated a body politic and corporate, by the name and style of the Foster-ville and Rover Turnpike Company.

SEC. 24. *Be it enacted*, That Middleton shall be made a point on said road, and said company shall have power if they think proper to terminate said road at Middleton, and in the event that said road terminates at the aforesaid place of Middleton, the company shall have power to erect one toll gate on said road, and the company so chartered shall have all the powers, privileges and immunities granted in the act chartering the Christiana and Dug Hollow Turnpike Company, and be subject to the same penalties imposed on said company.

SEC. 25. *Be it enacted*, That Daniel P. Carmichael, C. W. Norwood, and their associates, shall be and are hereby constituted a body politic and corporate, by the name and style of the Yellow Springs and Montvale Springs Turnpike Company, and by that name may sue and be sued, plead and be impleaded, may have and use a seal, and enjoy all the rights, privileges and powers appertaining to bodies politic and corporate by law for the term of thirty years, and shall have succession.

Yellow Springs
and Montvale
Springs Turn-
pike company.

SEC. 26. *Be it enacted*, That the capital stock of said Company shall be two thousand five hundred dollars, with the privilege of increasing the same to five thousand dollars, should said company deem it necessary, and so decide to complete said road, which sum shall be divided into shares of fifty dollars each, to be applied to the construction and keeping in repair said road.

SEC. 27. *Be it enacted*, That Daniel P. Carmichael is hereby appointed a commissioner to open books and receive subscriptions for stock in said company, and he is hereby empowered to do the same at such times and places as he may deem most practicable, said books to be opened within six months from and after the passage of this act.

SEC. 28. *Be it enacted*, That such subscription may be made in money, materials or labor; if in material or labor, the same to be made at its cash valuation, to be ascertained by disinterested persons, which shall be deemed so much stock in said company; said road to be commenced at some point near the Yellow Springs, in Blount county, such point to be selected by said company, running thence to the top of Chilhowe Mountains, to what is called Fontes' road, along the top of said mountain; thence to Montvale Springs, in said county; said company be allowed, however, to select the most eligible route for said road.

SEC. 29. *Be it enacted*, Whenever five hundred dol-

lars of said capital stock shall have been subscribed, a meeting of the stockholders may be called at Yellow Springs, of which ten days' notice shall be given, and when stockholders assemble they may proceed to elect a director, who shall be a stockholder, and shall empower him to organize said company and commence the construction of said road, and he shall have power to employ an engineer to lay out said road, and mark the same whenever necessary or deemed so by himself.

SEC. 30. *Be it enacted*, That at said meeting of the stockholders they shall elect a president, secretary and treasurer, if deemed necessary, who shall hold their offices until their successors are elected.

SEC. 31. *Be it enacted*, That said road shall be a dirt turnpike, and constructed in the following manner: the road to be graded so as not to exceed twelve feet in every one hundred in length, the grade to be made regular from the foot to the highest points of ascent, not to be less than ten feet wide in any place, clear of all obstructions thrown up to the centre on all hill sides, so as to throw the drains on each side, as well as at all points on the same where it is liable to become muddy from standing water, and when necessary it shall be ditched on each side, as well as culverts under the same, when necessary, to keep it well drained, and to construct suitable and safe bridges and causeways across all creeks, branches and swamps, when necessary.

SEC. 32. *Be it enacted*, That when said road shall have been constructed in the manner and style provided for in the thirtieth section of this act, the company shall have power to erect a toll-gate at any point on said road, at which gate the following rates of toll may be charged and collected: seventy-five cents for all two-horse pleasure carriages and buggies, and fifty cents for all one-horse pleasure carriages or buggies; seventy-five cents for every four-horse wagon, and fifty cents for every two-horse or ox wagon or cart; twenty-five cents for every one-horse wagon, carryall or cart; fifteen cents for any single horseman, or beast of burthen led, and one cent for all loose stock per head.

SEC. 33. *Be it enacted*, That the County Court of Blount county shall appoint three commissioners, any two of whom may act, whose duty it shall be to go over said road and examine the same, and if they find said road to be contracted and in the condition as provided for in this act, receive the same and give a certificate of such fact to said

president or director ; and he shall not be allowed to erect said gate until they shall first have obtained the certificate aforesaid.

SEC. 34. *Be it enacted*, That for the purpose of constructing and keeping in repair the said road, the director, or his agent may cut, dig or quarry, and take from the land of any person or persons within one mile of said road, such and so much timber, rock or gravel, as may be necessary for said purpose ; and if any person over whose lands said road shall pass, or from whose land such material may be taken, should deserve compensation therefor, and in the event they cannot agree with the president or director as to the damages done to their lands, or the value of such materials, he, she or they may apply to the nearest magistrate in said county of Blount, whose duty it shall be to appoint three disinterested persons, being free-holders, whose duty it shall be to estimate the damages done such land, if any, and the value of such material, and make out a report or certificate thereof in writing, upon oath to the injured party, always taking in view, the damages and disadvantages of such road to said lands, in making such assessment of damages, if any, or valuation of materials, and if any, the same may be received before any tribunal having cognizance of the same, and that either party may have the rights of appeal.

SEC. 35. *Be it enacted*, That sections 16, 17 and 18, of an act passed December, 1857, incorporating the Beersheba Springs Tracy City Turnpike Company, be, and the same are hereby adopted. Beersheba
Springs company

SEC. 36. *Be it enacted*, That nothing in this act be so construed as to grant State aid to said turnpike road.

SEC. 37. *Be it enacted*, That Joseph McBride, Robert A. Fraytey, Peter C. Scales, Morgan Clayton, Robert McGaugh, William Claton, H. N. Cowden, Henry H. Wood, or any five of them, and such other persons as they may associate with them, are hereby constituted a body politic, to be known and styled as the Richland Turnpike Company, with full powers under such corporate name to sue and be sued, plead and be impleaded, and shall have succession for a period of fifty years, and have a common seal. Richland Turn-
pike company.

SEC. 38. *Be it enacted*, That the persons aforesaid, or such person as they may designate, are authorized to open books and receive stock, which may be subscribed either in money or labor ; twenty-five dollars to be considered as one share.

SEC. 39. *Be it enacted*, That said road shall begin at or

near Robert A. Fraytey's store, in Marshall county, following, as near as practicable, the old road, and intersecting the Cornersville and Lewisburg road between the farms of A. J. Marchbanks and Wm. H. Nance; and said company may erect one gate for every four miles.

SEC. 40. *Be it enacted*, That said company shall have all the privileges and be subject to all the requirements of the Code of Tennessee on the subject of turnpike roads, from section 1410 inclusive to section 1446 inclusive, except so far as the same is herein altered.

SEC. 41. *Be it enacted*, That section 37 of chapter 120, of an act passed 10th March, 1858, be, and the same is hereby repealed; and the tolls charged by the Clarksville and Hopkinsville Turnpike Company shall, at their first gate upon the travel coming into said road from the Dover road, old forge road, Lafayette road, shall bear the same proportions to full toll that the distances traveled on turnpike bears to five miles.

SEC. 42. *Be it enacted*, That hereafter the elections for the directory of the Murfreesboro' and Liberty Turnpike Company shall be held by the stockholders at Hall's Hill, instead of Milton, as provided by an act of Assembly, heretofore passed, but subject to all provisions in said act for holding said election.

SEC. 43. *Be it enacted*, That H. H. Kirk, B. H. Anderson, T. M. Henry, T. J. Fort, Henry Porter, B. G. Hilliard, John Kelton, Jo. C. Stark and James Wallace, are hereby appointed commissioners to open books and solicit subscriptions to be applied to the construction of a turnpike road from Springfield, in Robertson county, to a point five miles east of said town, crossing Wartrace creek, and running between John Woodard's saw mill and the Sulphur Fork creek; said stock shall be divided into shares of twenty-five dollars each, to be paid in either money or work, as the company may direct; so soon as the sum of three thousand dollars is subscribed, a meeting of the stockholders shall be held at Springfield, of which notice shall be given; after said meeting the subscribers shall be, and they are hereby constituted a body politic and corporate, by the name and style of the Wartrace Turnpike Company; and together with those who may afterwards subscribe or purchase stock, shall continue, and may own, sell and buy property, sue and be sued in their corporate name and character, and have, and enjoy, and possess all the rights, privileges and powers appertaining to bodies public and corporate by law, and shall have succession for ninety-nine years. The subscribers, or a majority of them, being present at the first meeting, shall elect five directors, who

Wartrace Turnpike company,

shall be stockholders, who shall elect one of their number president of the Board of Directors; and the president and directors thus chosen shall continue in office for two years, and until their successors shall be elected. The president and directors shall have power to appoint any other officer that they may think necessary; shall have power to open books and receive subscriptions of stock for the completion of said road; and, by themselves, or one by them appointed, to run and mark out and locate said road. The president and directors shall also make contracts for the opening and construction of said road.

SEC. 44. *Be it enacted*, That the president and any two directors shall be a quorum to transact any business.

SEC. 45. *Be it enacted*, That said turnpike company shall, when said road is completed the distance of five miles from the corporation of Springfield, be entitled to one toll-gate, which they may erect or locate at any point on said road: *Provided*, That the same is not nearer than one mile of the court house of said county; and shall have the power of charging the same rates of toll that are charged on the Manscoe's Creek and Springfield Turnpike Company; and shall enjoy all the protection, rights, privileges and immunities and redress not herein particularly set forth and described, which are now enjoyed by the Manscores Creek and Springfield Turnpike Company.

SEC. 46. *Be it enacted*, That said road shall not be required to be graded more than sixteen feet wide, nor nearer than five degrees of a level; nor shall it be required to be McAdamized or graveled wider than fourteen feet, nine inches in the centre and six inches at the sides.

SEC. 47. *Be it enacted*, That all persons who shall become stockholders pursuant to this act shall be, and they are hereby constituted a body politic and corporate, by the name and style of the Bristol, Shady and Taylorsville Turnpike Company; and by that name sue and be sued, plead and be impleaded, and have and enjoy all the rights, privileges and powers appertaining and belonging to bodies politic and corporate, by and for the space of ninety-nine years, and shall have succession.

Bristol and Shady
Turnpike Co.

SEC. 48. *Be it enacted*, That the capital stock of said company shall be ten thousand dollars, with the privilege of increasing the same to any amount sufficient to build said road; capital stock to be divided into shares of ten dollars.

SEC. 49. *Be it enacted*, That the following persons shall be commissioners to open books and receive subscriptions of stock, viz: Joseph R. Anderson, ——— Buckhart, William

P. Carmack, John G. King and L. F. Johnson, of Bristol; William D. Blevins, Fleming Cremley, George Sells and McClellan Galleher, of the town of Paperville; Gen. John R. Dalaney, Leander G. Dryden, John R. King and L. M. King, of Holston Valley; Jesse Cole, jr., James King, jr., Washington Cole, William M. Tipton, William Blevins, George W. Scott, David Gillespie, William R. Barry, John E. Blankenbuckler, William Snodgrass, Mathias F. Wagner, Alex. D. Smith and Thomas S. Smith, of Taylorsville; and the aforesaid commissioners shall open books at such times and places as they may see proper, upon giving twenty days' notice by posting up written or printed hand bills at the most public places along the road.

SEC. 50. *Be it enacted*, That so soon as it is ascertained that two thousand dollars have been subscribed, the aforesaid commissioners shall call a meeting of all the stockholders, at such time and place as they may designate, by giving twenty days' notice in such manner as they see proper; and at said meeting, a majority of the stockholders being present or represented, shall out of the stockholders elect seven directors, every stockholder to be entitled to cast one vote for every share he may have or represent; and said directors shall choose one of their body president, and one of their body secretary and treasurer, who shall hold their office for one year or until their successors are chosen, which shall be done at the expiration of one year from the date of the first election, upon the notice aforesaid and be governed by the regulations aforesaid. Said president and directors shall have all the powers and perform all the duties necessary in locating the road between the points hereinafter mentioned and specified, letting out contracts for its construction, appointing necessary officers, necessary subscriptions, and disbursing the funds of said company, together with the general superintendence of constructing said road, erecting gates for toll, and in otherwise governing and managing the affairs of the road; and determining, by their *by-laws*, the manner of ascertaining and settling all accounts against the company, and also the evidence and manner of the transfer of stock in said company.

SEC. 51. *Be it further enacted*, That the president and directors, or any five of them, shall be sufficient to transact any and all business, and all vacancies occurring in said board shall be filled by the directors, two-thirds being present.

SEC. 52. *Be it enacted*, That immediately after the election of the directors, they, or a majority of them, or

such other persons as they may appoint, shall proceed to designate and mark out the route; commencing at the town of Bristol, running thence the most practicable route through the Holston Valley and Shady Valley to Taylorsville, running with the present road as near as practicable.

SEC. 53. *Be it enacted*, That said road shall be equal to a road of the first class, with the exception of the road from the foot of the Holston Mountain, on the Sullivan county side, to the foot on the Shady side, and from the foot of the Iron Mountain, on the Shady side to the foot on the Taylorsville side which shall only be ten feet wide, but shall be equal to a road of the first class in all other respects where practicable.

SEC. 54. *Be it enacted*, That when said road is completed, the president and secretary shall give notice to the County Courts of Sullivan and Johnson counties that the same is done; and said counties shall each appoint a commissioner to examine the road, each commissioner to examine that part of the road which lies within his respective county; and if they find that said road is opened, and in the manner prescribed by this act, they shall, and they are hereby required to issue a license under their hands and seals to the said company to erect a toll-gate on said road at such place as the company think proper; and it shall be the duty of said commissioners to examine said road every six months; and if they find that said road is out of repair, it shall be their duty to open the gate or gates on said road, and keep the same open until the road is put in the repair contemplated by this act; and so soon as the same is put in the said repair, the company shall notify said commissioners that the same is in repair, and said commissioners shall examine the same, and if they find that it is in repair, shall grant to the company the privilege of closing their gates; and if said company take toll from any person while the gate is down, said company shall forfeit and pay the sum of twenty dollars, to be recovered by an action of debt before any tribunal having jurisdiction thereof, in the name of the person who sues; and if the commissioner finds that said road has been out of repair for two weeks at any one time, they shall certify the same under their hands and seals, and file the same in the County Court Clerk's office, which shall be taken as evidence in any suit which may be brought against said company.

SEC. 55. *Be it enacted*, That said company shall receive the following rates of toll, viz: For each wagon and team with six horses, seventy-five cents; each wagon and four horses fifty cents; each wagon and two horses, twenty-five

cents; wagon and one horse, twenty cents; each pleasure carriage with two horses, thirty-seven cents; with one horse, twenty-five cents; each two-wheeled pleasure vehicle, twenty-five cents; each cart and one horse, fifteen cents; five cents for each additional horse; for each loose horse, five cents; for man and horse, ten cents; for led horse, five cents; for each head of cattle, two cents; each head of hogs, one cent; each head of sheep, one cent; — the term horse to include all animals that may be drawing the vehicles mentioned in this section. That no person shall be required to pay toll who may be going or returning on the prosecution of neighborhood business, or who may be going to or returning from mill, muster, court, blacksmith shop or church.

SEC. 56. *Be it enacted*, That if any person or persons shall pass said gate arbitrarily, or within one mile thereof for the purpose of avoiding the toll, such person or persons shall forfeit and pay for every such offence to said company the sum of fifty dollars, to be recovered by action of debt before any Justice of the Peace for this State. That if any part of said road shall be out of repair at any time after it shall have been received by said commissioners, by which any person shall sustain damages in person or property, said person may have and maintain an action against said company for such damages.

SEC. 57. *Be it enacted*, That the commissioners who may be appointed under this act to examine said road shall, before they enter upon the duties of their appointment, take and subscribe the following oath, *to wit*: I do solemnly swear that I will well and truly perform the duties enjoined upon me by this act, according to the best of my knowledge and abilities, so help me God. And the said commissioners shall be entitled to one dollar and fifty cents for every day they may be necessarily engaged in performing the duties enjoined on them by this act, to be paid by said company.

SEC. 58. *Be it enacted* That whenever said company shall have completed one-half of said road, said commissioners shall examine said road; and if the same is completed as required by this act, shall give said company a license to erect a gate and exact and receive one-half of the rates of toll above mentioned; said company shall have ten years to complete their road.

SEC. 59. *Be it enacted*, That the stockholders shall have the privilege of working out their stock upon said road by agreement with the directors, or in case of a disagreement, the directors shall choose two disinterested persons, and the persons so working shall do the same, and they shall value

the labor alone upon said road, and their valuation shall be binding on both parties.

SEC. 60. *Be it enacted*, That Tim. F. Dodson, James Wright, Moses T. Brooks, William Williamson, John Crudup, Thomas E. Williamson, George T. Gleaves, Geo. Williamson, Joab P. Cowthern, William Young, R. P. Lane, Isham F. Davis and James A. Card, be, and they are hereby appointed commissioners to open books to receive subscriptions for stock, either in work or money, to build a turnpike road; commencing at any point between William Dodson and Green Hill, in the county of Davidson, on the Lebanon and Nashville turnpike, running in an eastern direction, *via* Mount Juliet, in the county of Wilson, to the distance of ten miles; and shall constitute a body politic and corporate, by the name and style of Mount Juliet and Cedar Creek Valley Turnpike Company; and by that name may sue and be sued, plead and be impleaded, have a common seal, and a succession for ninety-nine years.

Mt. Juliet and
Cedar Creek
Valley Turnpike
Company.

SEC. 61. *Be it enacted*, That the capital stock of said company shall be ten thousand dollars, divided into shares of fifty dollars each; but if a greater sum shall become necessary to complete said road, the board of directors elected as directors in the sixtieth section of this act, may raise the capital to the necessary amount: *Provided*, It shall not exceed the sum of thirty thousand dollars.

SEC. 62. *Be it enacted*, That as soon as five thousand dollars shall be subscribed to build said road, the commissioners may hold a meeting at such time and place as a majority of them may designate, due notice being given thereof, and shall proceed to elect a board of directors, consisting of seven, each one of whom shall be stockholders; the commissioners casting as many votes as he has shares, in the election of directors, and all other matters in which, by this act, he may be entitled to vote, either in person or by proxy, the proxy being a stockholder, authorized in writing, conferring the general power to vote as his representative, or special power to vote as his representative, or special power to cast his vote in the particular way directed; and the said board so elected shall have power to elect a president, secretary and treasurer from their own body, pass by-laws, fully organize, and put under contract the building of said road.

SEC. 63. *Be it enacted*, That all of the officers so chosen and elected, shall hold their offices for the term of two years from the date of their election, or until their successors are chosen and appointed.

SEC. 64. *Be it enacted*, That to constitute a quorum at any meetings of the stockholders, a majority of shares shall be represented.

SEC. 65. *Be it enacted*, The directors shall call meetings of the stockholders whenever, in their opinion, the interests of the company may require it.

SEC. 66. *Be it enacted*, That five directors shall constitute a quorum for business.

SEC. 67. *Be it enacted*, That on the election of the first officers, the directors shall proceed to survey and lay off said road; and if any person over whose land the road may run shall consider himself damaged, he may petition the Circuit Court; whereupon, the court shall order the sheriff to summons five free-holders as a jury, to assess the damages, taking into view the benefit the petitioner may derive from the road, and then report to the court; if confirmed, judgment should be rendered and execution shall issue.

SEC. 68. *Be it enacted*, That any timber, gravel or stone may be taken by said company or its agent, from any lands adjacent or convenient to the road, for making and repairing thereof; and if damages are claimed therefor, they shall be recovered as provided in the sixty-seventh section of this act.

SEC. 69. *Be it enacted*, That the said road shall be graded twenty feet wide, and shall be graveled or McAdamized with stone or gravel sixteen feet wide and ten inches thick, with all necessary culverts, bridges and ditches as shall be necessary to drain the said road at all seasons of the year.

SEC. 70. *Be it enacted*, That when five miles shall have been completed, commencing either at the beginning or terminus of said road, the company shall be allowed one toll-gate, to be located at any point on the five miles so completed they may deem best; and when the whole road shall have been completed as herein provided, the company shall be entitled to erect two toll-gates, and shall be allowed the same rates of toll as are authorized by law to the Lebanon and Nashville Turnpike Company.

SEC. 71. *Be it enacted*, That the company shall have five years to complete said road.

SEC. 72. *Be it enacted*, That Augustin Wilson and William C. Blanton, of Bedford county, and James M. Wilson, J. B. Fulton and R. Harkins, be appointed commissioners to open books for the subscription of stock, at Unionville, Chapel Hill, and Caney Springs post office, and such other places as they may deem right and proper, by themselves or agents, in shares of twenty-five dollars each, to be

paid in money or labor; and when five thousand dollars shall be subscribed, there shall be an election for five directors of said company, which shall be styled the Unionville, Chapel Hill and Caney Springs Turnpike Company.

SEC. 73. *Be it enacted*, That one of said directors shall be elected president of said company.

SEC. 74. *Be it enacted*, That said company shall build their road from Caney Springs, by way of Chapel Hill, to intersect the Shelbyville and Unionville turnpike road at or near Unionville; and shall be built in all things as the Shelbyville and Farmington and Lewisburg turnpike roads were built, and shall be subject to all the liabilities and immunities and entitled to all the rights and privileges that said road is entitled or subject to.

SEC. 75. *Be it enacted*, That when the company is organized, they shall receive subscriptions for stock enough to build said road in such manner as the president and directors deem right and proper.

SEC. 76. *Be it enacted*, That the further time of ten years be extended to the company within which to complete the turnpike road known as the Columbia and Shelbyville Turnpike, and leading from Columbia in the direction and to Lona's old mill, in Maury county.

Columbia and
Shelbyville
Turnpike.

SEC. 77. *Be it enacted*, That the Franklin and Lewisburg Turnpike Company be, and they are hereby allowed the further time of two years in which to complete their turnpike road.

Franklin and
Lewisburg Turn-
pike Company.

SEC. 78. *Be it enacted*, J. B. Baird, Wm. Hancock, John Davis, Andrew Climer, William Knight, Josiah B. Lindsay, Geo. Thompson, Wesley Hancock and Rufus Foster, and all persons who may become stockholders in said road, be, and they are hereby constituted a body corporate and politic, by the name and style of the Extension Turnpike; for the purpose of constructing a turnpike road, beginning at the terminus of the Davidson and Wilson County Central turnpike, at John B. Baird's mills, on the Cumberland and Stone's river turnpike, running east so as to intersect the turnpike road chartered to run from Cainsville to the Spring Creek bridge on the Lebanon and Sparta turnpike; said intersection to be made at or near the farm of George Thompson; and said company shall, by their corporate name, have power to sue and be sued, plead and be impleaded in all the courts of the country whatsoever; and they shall have and enjoy all the rights and privileges, franchises and powers, and be subject so far as the same may be applicable and not in conflict with this act of incorporation, to the duties and responsi-

bilities in the charter of the Jennings's Fork turnpike, passed at this session of the General Assembly.

SEC. 77. *Be it enacted*, That the capital stock of this company shall consist of such an amount as may be necessary to build the road, to be divided in shares of fifty dollars each, and said stock may consist either in money subscription or in work on the road.

SEC. 78. *Be it enacted*, That said company shall have two years in which to commence their road, and five years after the expiration thereof in which to complete the same, and shall have corporate existence for the full term of ninety-nine years.

SEC. 79. *Be it enacted*, That said road shall be graded fifteen feet in width, with the first course of rock twelve feet in width, and the second course of fine rock or gravel eight feet in width, and said company shall be entitled to one gate on said road.

Statesville and
Cherry Valley
Turnpike Co.

SEC. 80. *Be it enacted*, That Doak Young, James M. Armstrong, H. P. Ragland, James Ayers, — Patton, and all persons who may become stockholders in said road, be, and they are hereby constituted a body politic and corporate by the name and style of the Statesville and Cherry Valley Turnpike Company, for the purpose of constructing a turnpike road, beginning at Statesville, in Wilson county, and intersecting the Lebanon and Sparta turnpike, at or near Cherry Valley; said company shall, by their corporate name, have power to sue and be sued; plead and be impleaded in all the courts of the country whatsoever; that the capital stock of said company shall consist of such an amount as may be necessary to build the said road, to be divided into shares of fifty dollars each, which stock may consist either in money subscription, or work on the road; that said company shall have two years in which to commence their road, and five years after the expiration thereof to complete the same, and shall have a corporate existence for the full term of ninety-nine years; that said road shall be graded fourteen feet in width, the first course of rock, twelve feet in width, and the second course of fine rock or gravel, eight feet in width; that said company shall be entitled to two gates on said road, and that said company shall have and enjoy all the rights and privileges, powers and franchises, and be subject to all the duties and responsibilities, not in conflict with the provisions of this act of incorporation prescribed in the act chartering the Jennings Fork Turnpike, passed during this session of the General Assembly.

SEC. 81. *Be it enacted*, That W. L. Martin, Thomas Edwards, Duncan Johnson, Turner R. G. Andrews, and

all pereons who may become stockholders in said road, be, and they are hereby constituted a body corporate and politic, by the name and style of the Watertown and Rome Turnpike Company, for the purpose of constructing a turnpike road; beginning at or near Watertown, on the Lebanon and Sparta Turnpike, running in the direction of Rome, in Smith county, until it intersects the Lebanon and Trousdale Ferry Turnpike; said company shall, by this corporate name have power to sue and be sued, plead and be impleaded in all the courts of the country, whatsoever; that the capital stock of said company shall consist of such an amount as may be necessary to build the said road, to be divided into shares of fifty dollars each; which stock may consist of money subscription or work on the road; that said company shall have two years in which to commence this road, and five years after the expiration thereof to complete the same, and shall have a corporate existence for the full term of ninety-nine years; that said road shall be graded at least fourteen feet in width, with the first course of rocks twelve feet in width, the second course of fine rock or gravel eight feet in width; that said company shall be entitled to two gates on said road; and that said company shall have and enjoy all the rights and privileges, powers and franchises, and be subject to all the duties and responsibilities, not in conflict with the provisions of this act of incorporation: *Provided*, in the act chartering the Jennings' Fork Turnpike, passed during this session of the General Assembly.

Watertown and
Rome Turnpike
Company.

SEC. 82. *Be it enacted*, That the charter of the Lebanon and Sinking Creek Turnpike Company, passed on the first day of March, 1858, be so amended and changed, that N. D. Hancock, John H. Neal, A. E. Donnell, R. C. Scooby, and James P. Hearn, are hereby appointed and declared to be commissioners in the room and place of the commissioners designated in said act, who shall be entitled to all the rights, powers, and privileges, and be subject to all the duties secured to and imposed upon the first set of commissioners; and that said turnpike road may be constructed, by being graded eighteen feet in width, with the first course of rock twelve feet in width, and the second course of fine rock or gravel, eight feet in width; and said road shall be constituted in other respects as provided for in said act or charter incorporating said company.

Sinking Creek
Turnpike Com-
pany.

SEC. 83. *Be it enacted*, That John Stanfield and John H. Brient, be, and they are hereby declared a body politic and corporate, by the name and style of the Wortburg Turnpike Company, with succession for thirty years; and they are hereby authorized to open and locate a turnpike

Wortburg Turn-
pike Company.

road from Wortburg, in Morgan county, to the county line near Clark's on the Emery river, in the direction of Kingston.

SEC. 84. *Be it enacted*, That said company shall be subject to, and governed by all the rules and regulations, and entitled to all the rights, and regulations, and privileges of an act passed the 26th day of February, 1852, chapter —, authorizing Julien F. Scott and others to open and locate a road from Scott's Turnpike Road, east of Montgomery, to the Tennessee river, except that they may put their gate at any point on said road; and the County Court of Morgan county is authorized to appoint the same number of commissioners that are appointed in the charter referred to, to perform the same service.

Consolidated
Turnpike Com-
pany

SEC. 85. *Be it enacted*, That the stockholders in the Cainsville and Valley and in the Statesville and Cainsville Turnpike Company, shall have power to consolidate both said companies into one company, to be known as the Consolidated Turnpike Company; and by that name may sue and be sued, plead and be impleaded, have a common seal and succession for ninety-nine years; five directors shall be elected by the stockholders of said consolidated company, who shall hold their offices for two years, or until their successors are elected. The board of directors shall have the same powers and privileges, and be subject to the same liabilities as are conferred and required by the charters of the two companies herein authorized to be consolidated. Said companies consolidated shall have power to erect three gates on said road. All the powers, privileges, rights and immunities conferred by the charters of said Cainsville and Valley and Statesville and Cainsville companies, shall be transferred to and enjoyed by said consolidated company.

Northrup Turn-
pike.

SEC. 86. *Be it enacted*, That the charter of a turnpike road, beginning at Jamestown, in Fentress county, running southwardly towards Crossville, in Cumberland county, known as the Taylor Turnpike Road, of which road Solomon B. Northrup is now owner and proprietor from Jamestown to Crossville, or near there, be, and the same is hereby established in the name of the said Northrup, to be called the Northrup Turnpike Road, with succession for fifty years to said Solomon B. Northrup and his successors, under the restrictions and rules hereinafter set forth and prescribed.

SEC. 87. *Be it enacted*, That said Northrup may change the route, or locate said road any route that he may deem most practicable: *Provided*, the same commissioners at Jamestown and runs generally in a direction to Crossville,

and he shall keep the said road in the same order, and receive the same toll as provided for in the original charter of said road to John Rose, and vested in said Northrup by purchase.

SEC. 88. *Be it enacted*, That said Solomon B. Northrup is hereby made a body politic and corporate, for the purpose of keeping in repair the Northrup Turnpike Road aforesaid, and shall enjoy all the privileges, and be subject to all the restrictions and enactments said Taylor enjoyed and was subject to.

SEC. 89. *Be it enacted*, That this act take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, February 28, 1860.

CHAPTER 90.

AN ACT to incorporate the Columbia, Centreville and Pine River Railroad, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That there is hereby created a body politic and corporate, under the name and style of the Columbia, Centreville and Pine River Railroad Company, with full powers to sue and be sued, plead and be impleaded, and shall have all such powers to make rules and regulations as are incident to incorporations of a like character, and shall have succession for ninety-nine years.

SEC. 2. *Be it further enacted*, That Geo. Lipscomb, Geo. Webster, Ben. Harlan, James H. Webster, Henry C. Sowell, A. M. Williams, Wm. Biffle, L. D. Myers, B. Gordon, Theodric Erwin, Wm. Walker, G. W. Stanfill, S. B. Moore, W. G. Cogert, Pleasant Walker, W. H. Caruthers, L. H. Nunlee, P. N. Meroney, W. B. Easley, J. Graham, Robert McNeilly, J. W. Huddleston, J. D. Easley and John W. Walker, are hereby appointed commissioners to open books to receive stock to build the road hereinafter mentioned; any number of whom may open said books.

SEC. 3. *Be it further enacted*, That when there shall be subscribed not less than five thousand dollars per mile for not less than twenty miles of said road, then the com-

missioners aforesaid, or those who may act under said appointment, shall call a meeting of the stockholders, by giving due notice of the time and place, when said stockholders may create such officers as may be deemed necessary.

SEC. 4. *Be it further enacted*, That said company shall have all the powers and privileges, and be governed by all the requirements prescribed in the Code of Tennessee from chapter 1410 inclusive to chapter 1426 inclusive; that twenty five dollars be considered a share; that in all elections each shall give one vote, which may be given by proxy: *Provided*, No individual shall have more than thirty votes.

SEC. 5. *Be it further enacted*, That said company may have the privilege of beginning said road at Columbia, or Mt. Pleasant, or at any point between the two; said beginning to be agreed upon by the company; the directors appointed by said company; and said road shall run the most practicable route to Centreville, in the county of Hickman, and thence running the most convenient accessible route intersecting the Northwestern Railroad: *Provided*, Said road shall be located by survey: *And, provided, further*, That in locating the same, that the locality of the stock taken shall be taken into consideration.

SEC. 6. *Be it further enacted*, That said company may issue and offer for sale their bonds, to such an extent and for such time as they may see proper; and that the counties through which said road may run may endorse the bonds of the company, or may take stock in said road to an amount not exceeding one hundred thousand dollars to each county: *Provided*, That before such subscription or endorsement is made by such county or counties, the Quarterly Court, (a majority of the Justices present voting for it,) shall submit the question to the voters of such county; and if a majority of the votes cast should be in favor of such endorsement or such subscription, then the Chairman of the County Court (if to endorse the company's bonds,) shall sign his name officially and attach the county seal, which shall be countersigned by the County Court Clerk; and if to take stock in said road, the County Court may, if they see proper, raise the same by issuance and sale of their bonds or by direct tax laid for such purpose.

SEC. 7. *Be it enacted*, That the Memphis, Clarksville and Louisville Railroad Company be, and is hereby authorized to build a branch of its road from Paris, in Henry county, to Dresden, in Weakley county, or some point of intersection of the Northwestern road, at or near Dresden.

SEC. 8. *Be it further enacted*, That for the purpose of constructing said branch road, said company is hereby invested with all the powers, privileges and immunities heretofore granted it in its original charter, and the general and special law passed amendatory thereof.

SEC. 9. *Be it enacted*, That said towns of Paris and Dresden are hereby authorized to take, each, fifty thousand dollars of stock in said Memphis, Clarksville and Louisville Railroad Company: *Provided, however*, Before the same is taken, it shall secure the sanction of a majority of the votes of said town so subscribing; and to ascertain the same, an election shall be held as now provided by general law in relation to the subscription of stock by counties and corporations; to pay said stock said companies may issue coupon bonds, payable at such times and places as the proper authorities in their charter governments designate. The true intent and meaning of this act is that no State aid shall be granted to said branch road.

SEC. 10. *Be it further enacted*, That D. T. MacGavock, S. D. Morgan, John M. Watson, M. W. Wetmore, F. R. Cheatham, Geo. Maney, Eugene Underwood, H. Buddeke, Robert Gardner, A. J. McWhirter, John Hugh Smith, John B. Johnson, W. F. Cooper, their associates and successors, are hereby constituted a body politic and corporate, under the name of McGavock and Mt. Vernon Horse Railroad Company; and by that name may have succession for the term of fifty years, may sue and be sued, plead and be impleaded, may have and use a common seal, may receive, purchase and hold such personal and real estate or property as may be necessary for carrying on the business of the corporation, and the same to sell and dispose of at pleasure; may make all needful by-laws for their government not inconsistent with the laws of the United States or of this State.

McGavock and
Mt. Vernon Horse
Railroad Co.

SEC. 11. *Be it further enacted*, That said company is incorporated for the purpose of building and using a Horse Railroad, from the Post Office or such other point in the city of Nashville as the directors, hereinafter provided for, shall agree upon, to the Mount Vernon Garden, in the northern suburbs of said city, with the privilege of extending the same three miles from the northern corporation boundary of said city, and to have one or more branches connected with the main stem.

SEC. 5. *Be it enacted*, That said company is hereby authorized to make and consummate any contract with the corporate authorities of the city of Nashville, or with the County Court of Davidson county, or with private individuals necessary to get the right of way along the public

streets and roads, or over private property, for the purposes of the incorporation and to successfully carry out their purposes: *Provided, always,* That no one of the streets of the city of Nashville shall be used by said company, nor shall any railroad be laid down them until the consent of the mayor and aldermen and council, or city authorities of said city, shall have been first obtained, and a bill shall have been passed by the city authorities authorizing the same to be done and prescribing the terms on which the same may be done.

SEC. 13. *Be it enacted,* That the capital stock of said company shall be one hundred thousand dollars, with the privilege of raising it to any sum not exceeding three hundred thousand dollars, if it should become necessary to effect the object of the incorporation. That the said capital stock shall be divided into shares of fifty dollars each, and may be subscribed and received by the company in money, iron, personal property or real estate, with the right on the part of the company, by its board of directors, to make calls from time to time as the money may be needed, and to make sales of the property subscribed, for cash or on credit, or mortgage, or lease—said property to carry out the purposes of the incorporation—and upon such other terms as the board may deem best.

SEC. 14. *Be it enacted,* That the said company may issue bonds, payable in such amounts, at such times and in such places as they may deem best, with coupons attached for the interest, and may dispose of the same to raise money to carry out the purposes of the incorporation; and may make a mortgage or trust deed upon the property and franchises of the company, and upon the real and personal property subscribed for stock, to secure the payment of the interest accruing upon said bonds, and of the bonds themselves at maturity.

SEC. 15. *Be it enacted,* That the persons herein before incorporated, or a majority of them, may organize said company by electing a board of directors, to consist of seven members, who shall elect one of their number president, shall have power to elect three officers necessary to carry out the purposes of this incorporation, and to fix the salaries for president and officers, and generally to act for the company. That said board shall continue in office such time as the persons electing said board may determine, not exceeding one year, and until their successors are appointed.

SEC. 16. *Be it enacted,* That the said persons incorporated, or a majority of them, or the board of directors after their election, may determine the plan of raising subscriptions

to the capital stock of the company; and that all subsequent boards of directors shall be elected by the stockholders, each of whom shall be entitled to a vote for every share owned. That said board shall have all the powers before granted, and shall continue in office one year, and until their successors are elected. The stockholders may vote in person or by proxy. A majority of the directors shall constitute a quorum to do business.

SEC. 17. *Be it enacted*, That the stockholders be individually liable for the amount of stock subscribed until the same is paid in in money, or by receipt of property real or personal, subscribed as heretofore provided.

SEC. 18. *Be it enacted*, That the company may operate street railroads by animal power in the streets of Nashville, by and with consent of the corporate authorities of the city, and may run their railroad by animal power in the public highways of the county, by and with the consent of the county authorities; may take toll on said road; and may make and declare dividends out of the nett profits on the capital stock.

SEC. 19. *Be it further enacted*, That the company hereby incorporated shall have power in accordance with the rights and restrictions herein granted and imposed, to extend and operate said railroad to any other point than the Mount Vernon Garden in or near the city of Nashville, within the limits prescribed.

SEC. 20. *Be it further enacted*, That any person holding any amount of stock in the Winchester and Alabama Railroad Company shall be eligible to be a director in said road or company.

SEC. 21. *Be it further enacted*, That the further time of two years be given to the president and directors of the Rawles Creek Turnpike Company to complete their road.

Rawles Creek
Turnpike Co.

SEC. 22. *Be it further enacted*, That the president and directors of the Memphis and Ohio Railroad Company shall have the power to issue income bonds of the company, for an amount not exceeding six hundred thousand dollars, having not more than ten years to run to maturity, from 1st of April, 1860, with coupons for interest attached, payable semi-annually, which shall not exceed ten per cent. per annum; the principal and interest of said bonds may be made payable at Memphis, Charleston, South Carolina, or in the city of New York, as said president and directors may deem best.

Memphis & Ohio
Railroad Co.

SEC. 23. To secure the payment of said principal and interest, the president and directors of said company shall have the power to execute deed of trust or mortgage on the receipts of the road, upon the rolling stock, real estate,

franchises, right of way, and other property of the company, real, personal or mixed; but nothing herein contained shall be so construed as to interfere in any shape or form with the prior or statutory lien in favor of the State of Tennessee, which shall remain at all times paramount to all other claims or liens whatever: *Provided, also, That* before the president and directors shall issue said income bonds, the stockholders shall be called together and a majority of them shall consent thereto.

SEC. 24. The present board of directors may, if they deem best to do so, increase the number of directors to twenty-five, exclusive of the two appointed by the Governor of the State; and in the event they do so, the stockholders, at their annual elections hereafter, shall elect twenty-five directors, exclusive of the two appointed by the Governor of the State; the time of holding said annual election, the president and directors of said company may change from October to any other period.

SEC. 25. Any law or provision in either the original charter, or any amendment of the same, or any law whatever, coming in conflict with the foregoing provisions, are hereby repealed; but nothing herein contained shall be so construed as to authorize said company to engage in banking or dealing in bills of exchange, either directly or indirectly.

SEC. 26. *Be it enacted,* That the Mayor and Aldermen of the city of Memphis shall have the power to subscribe as stock to the capital stock of the Memphis and Ohio Railroad Company the sum of seventy thousand dollars, or thereabouts, heretofore loaned by the corporation of Memphis to said company.

SEC. 27. *Be it enacted,* That when any street or alley has been laid off within the limits of city of Memphis which is not needed for a public easement, it shall be lawful for the corporate authorities of said city to close it up, or exchange the location of the same, or exchange the same for another street or alley: *Provided,* The owner or owners of said lot or lots fronting on said street or alley so proposed to be changed, shall consent thereto: *Provided, also,* That in making said change of location, another public easement equally advantageous to the public is offered in lieu of the one proposed to be closed.

SEC. 28. It shall be lawful for the president and directors of the Memphis and Ohio Railroad Company to condemn grounds for right of way from their original depot, on Main street, to present depot in the navy-yard, in the same manner and under the same rules and regulations as

are prescribed in their charter for condemning right of way on the main stem of their road.

SEC. 29. *Be it further enacted*, That the charter of the Mississippi and Tennessee Railroad Company be so amended as to allow said company to issue ten per cent. mortgage income bonds of the company, to an amount not exceeding five hundred thousand dollars: *Provided*, A majority of the stockholders assent thereto: *And, provided further*, That no lien created thereby shall interfere with the lien in favor of the State of Tennessee.

Mississippi and
Tennessee Rail-
road.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

B. L. STOVALL,
Speaker of the Senate.

Passed, February 29, 1860.

CHAPTER 91.

AN ACT, to amend an Act, passed March 15, 1858, for the benefit of working the Public Roads in Sullivan county.

WHEREAS, an act of the Legislature, passed March 15th, 1858, the County Court of Sullivan county had the power to levy a tax for the purpose of keeping up the public roads of said county, but failed to comply with the provisions of said act; *and, whereas*, the court ordered the vote to be taken in said county, on the first Thursday in August last, whether the people would tax themselves to keep up public roads or not;

And, whereas, a majority of the whole vote cast was in favor of the tax;

And, whereas, some doubts exist as to the legality of the time of taking the vote; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the action of the County Court in ordering the vote to be taken on the first Thursday in August last, to ascertain whether the voters would tax themselves for purpose of keeping up public roads or not, is hereby made legal and binding, as if the vote had been taken at the time specified in said act.

SEC. 2. *Be it enacted*, That the County Court, at any of its quarterly terms, the majority of the acting Justices of the Peace of said county being present, may appoint one or more person or persons as supervisor or supervisors

of the public roads of said county; whose duty it shall be, in addition to the duty required of them in third section of the act referred to in the caption above, to measure, mile, mark, and ascertain the grade of the roads; and when a change of location is necessary or a new road is to be established, he be invested with power, and it is hereby made his duty to make such change or location, and that he report the same to the next quarterly court, subject to its ratification or rejection.

SEC. 3. *Be it enacted*, That the supervisor or supervisors may report to any of the quarterly courts of said county any material facts connected with the faithful discharge of his or their duty as required by said act.

SEC. 4. *Be it enacted*, If it should not be convenient from any cause for the County Court to let out all the roads at the January term, it may let out any part or all of them at any subsequent term of the quarterly court.

SEC. 5. *Be it enacted*, That the County Court at any of its quarterly terms, two-thirds of the acting Justices of the Peace, being present, may order an election to be held in order to give the qualified voters an opportunity to vote the road tax down or continue it at their pleasure.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

B. L. STOVALL,

Speaker of the Senate.

Passed, February 29, 1860.

CHAPTER 92.

AN ACT to incorporate the Olympus Mining Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That James Donaldson, Edmund Donaldson, Charles Donaldson and Robert Donaldson, their associates and successors, are hereby constituted a body politic and corporate, by the name of the Olympus Mining Company; for the purpose of exploring iron, coal, and other ores, metals and minerals, and for mining, working, smelting and vending the same; and for such purpose may erect all necessary buildings, apparatus and fixtures for carrying on their operations; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend in any court of law or equity in all suits and

actions; may have a common seal, and the same alter or renew at pleasure; and may enjoy all the privileges incident to corporations, and may purchase, hold, mortgage, transfer and convey any real and personal estate.

SEC. 2. *Be it further enacted*, That the first meeting of said corporation may be called by the persons named in this act, at such times and places as they may select; and at such meeting a board of directors shall be chosen from among the stockholders, by the votes of a majority of the stockholders present at such meeting; and such board of directors shall take charge of the operations of the company, subject to such rules and regulations as may be adopted by the stockholders; the said directors shall hold office one year, or until their successors are appointed; and may adopt such by-laws and regulations for the government of the concerns of the company as they may deem expedient, not inconsistent with the rules made by the stockholders aforesaid, nor with the constitution and laws of the United States and of this State.

SEC. 3. *Be it further enacted*, That the directors shall cause a book to be kept containing the names of all persons who are stockholders of said company, showing their place of residence, the number of shares of stock held by each respectively, and the time when they became respectively the owners of said shares, and the amount of stock actually paid in; which book shall, during the usual business hours of each day, be opened at the place of business of said company, for the inspection of stockholders and creditors of the company and their representatives.

SEC. 4. *Be it further enacted*, That the said company shall have all rights and privileges that the Sewanee Mining Company have, by virtue of section ten of an act passed 10th of February, 1852.

SEC. 5. *Be it further enacted*, That the capital stock of said company shall not be less than five thousand dollars nor more than one hundred thousand dollars.

SEC. 6. *Be it further enacted*, That the capital stock of said company may consist of real estate, or mines, or any property at a fair valuation, necessary to carry on the mining operation.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, February 29, 1860.

CHAPTER 93.

AN ACT to incorporate the Masonic Lodge in Pulaski, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Elihu Edmonson, W. M., Calvin J. Clark, S. W., and F. C. Barker, J. W., and their successors in office, be, and they are hereby incorporated a body politic, under the style and the name of "Pulaski Lodge, No. 101, of Free and Accepted Masons;" and as such shall have a common seal, alter, renew or change the same at pleasure; shall have the power to purchase, hold, or own real estate and personal property, with the right and privilege to barter, exchange or sell the same under the restrictions hereinafter mentioned; to improve the real estate, by building or otherwise; and by the name aforesaid, may sue and be sued, plead and be impleaded in any of the courts of law and equity, and enjoy all other privileges incident to such corporations not inconsistent with the laws of the United States or of the State of Tennessee.

SEC. 2. *Be it further enacted*, That said Pulaski Lodge, No. 101, may appoint trustees, and have the power to remove any or all of them at pleasure, and appoint others in their stead; who shall take charge of any property, money and funds that it may designate; and such trustees shall also constitute and become a building committee for said Lodge, who may be vested with full power to make contracts, employ workmen, architects, &c., in the name of said corporate body, for the purpose of erecting a Masonic hall, and such buildings attached thereto as said corporation may desire in the town of Pulaski; or said incorporation shall have power to have said duties performed in such other manner and by such other modes as they may from time to time prescribe.

SEC. 3. *Be it further enacted*, That said Lodge shall have power to pass and enact all necessary rules, by-laws, and ordinances for its government not inconsistent with the laws of Tennessee or the General Government.

SEC. 4. *Be it further enacted*, That said incorporated Lodge shall have power to issue its bonds under its seal, signed by its presiding officer and wardens, not exceeding in the aggregate the sum of ten thousand dollars, (\$10,000,) in such sums and at such times; with the privilege of renewal, as it may from time to time designate, for the purpose of purchasing a site and erecting a Masonic hall in the town of Pulaski; which bonds so issued shall bear interest at such rate as may be stipulated in their

face, not exceeding the highest rate of legal interest, payable annually or semi-annually; and they shall, and are hereby made a lien upon the lots and premises upon which said hall may be located, having priority over all other liens of any nature, save that of the vendor of the ground.

SEC. 5. *Be it further enacted*, That the rents and revenues accruing from the sale or lease of any of the property hereafter purchased by said Lodge, and upon which said hall shall be erected, after paying all expenses for repairs, insurance, &c., shall constitute and be held a sinking fund for and be appropriated to the payment of such bonds as may be issued by said Lodge, under the preceding section of their charter, under such regulations as said Lodge may direct.

SEC. 6. *Be it further enacted*, That said Pulaski Lodge, No. 101, shall have and enjoy succession, and all the privileges granted in their charter, for fifty years.

SEC. 7. *Be it further enacted*, That J. M. M. Cornelius, Wm. H. Walker and L. A. Rhodes, and their successors and associates, be, and they are hereby appointed a body corporate, in the town of Germantown, in this State, by the name and style of the Shelby Lodge, No. 33, of the Independent Order of Odd Fellows.

Shelby Lodge,
No. 33, Independent Order of
Odd Fellows.

SEC. 8. *Be it further enacted*, That the said persons and their successors, shall have the right to hold property, real and personal, for the use of the Lodge, to the value of five thousand dollars, and power to purchase the same, and to sell and dispose of it at pleasure; and receive donations to the value aforesaid; and, also, power to make by-laws for the government of said Lodge, and the transaction of its business, not repugnant to the laws of this State, or the United States; and to fill vacancies in the above board of trustees, if any occur, and may sue and be sued in said name.

SEC. 9. *And be it also enacted*, That this act shall have effect from and after the day of its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, February 29, 1860.

CHAPTER 94.

AN ACT to charter Sewanee Turnpike Company, and the Hawkerville Turnpike Company, in Franklin county, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That J. B. Hawkins, Madison Porter, J. M. Russey, Robert Hines, Lent Williams, Wm. Darwin Green Brazelton, Joseph Carter, and A. S. Colyar, be and are hereby constituted a body politic and corporate with power and authority to open books and receive subscriptions to the capital stock of a company, to be known as the Sewanee Turnpike Company, for the purpose of building a turnpike road from the lands of the University of the South, on the top of Cumberland mountain, to some point on the Nashville and Chattanooga Railroad, in Franklin county and to the town of Winchester, in Franklin county.

SEC. 2. *Be it enacted by the authority aforesaid*, That the persons above named may proceed to raise stock by subscription, for the purpose of building said road; and that any county in the State of Tennessee, through the County Court, a majority of all the justices in the court being present and voting in the affirmative, may subscribe and take stock in said road, the chairman being authorized by such voting, to subscribe the amount of stock so ordered by said Court.

SEC. 3. *Be it further enacted*, That the stock which may be subscribed, either by counties or individuals, shall be divided into shares of twenty-five dollars each, and when the sum of fifteen thousand dollars is subscribed, the persons aforesaid may, by notice, call a meeting of the stockholders, (the chairman of the County Court to represent the stock of the county,) and at such meeting, the stockholders may proceed to organize, by electing directors, who, if they see proper, may proceed to work, or they may delay the work until the stock is increased to a sum not exceeding forty thousand dollars.

SEC. 4. *Be it further enacted*, That the said board of directors shall consist of seven men, each of whom shall own not less than four shares of stock in said company, and they shall have power, after the first election, to fill vacancies.

SEC. 5. *Be it further enacted*, That the said board of directors may determine the exact location of the road, which shall be opened and graded not less than twenty-one

bet, with gravel or broken rock on eighteen feet thereof, so as to make a firm, solid, smooth road.

SEC. 6. *Be it further enacted*, That in case of any vacancy in the directorship, so as to reduce the directors to less than a majority, then the stockholders may elect directors; and the corporation aforesaid shall have succession, with power to sue and be sued, to plead and be impleaded, and may purchase and hold lands for the benefit of the University of the South.

SEC. 7. *Be it further enacted*, That in case the county through which said road passes, or any other county in the State, shall take stock, such county may subscribe stock to be paid in one, two and three years, one-third of the whole amount subscribed to be paid each year; and the tax collector, when elected, or the sheriff, in case of failure to elect a tax collector, shall enter into bond with security, to be approved by the County Court, for the collection of the stock as tax aforesaid, and the said revenue collector shall proceed to collect the same at the same time, and in the same manner that he collects the State and county tax; and he shall be liable for defaults in the same way, and to the same extent, that he is for a default in collecting and paying over State and county revenue. The said County Court, at the time of the voting aforesaid, shall fix by its order the amount to be raised each year, and what property, and to what extent, shall be taxed to raise the sum so subscribed.

SEC. 8. *Be it further enacted*, That the stockholders shall hold an election on the first Saturday in May, every two years, for the purpose of electing directors, to be held at such place as may be fixed by the directors as the place of holding elections.

SEC. 9. *Be it further enacted*, That said road shall be commenced within two years, and shall be completed within six years, or in case of failure, the charter shall be forfeited thereby.

SEC. 10. *Be it further enacted*, That when five miles of said road shall be completed, the directors shall have power ^{Tolls} and authority to erect a gate and collect toll, not exceeding the rates fixed by the McMinnville and Sparta Turnpike Company.

SEC. 11. *Be it further enacted*, That any stock subscribed as herein above provided for, may be paid for in work, at the discretion of the directors.

SEC. 12. *Be it further enacted*, That any corporation in the State of Tennessee, through its directors, or if it be an incorporated town, by the mayor and aldermen, may

subscribe stock in said turnpike road; and in all elections one share of stock shall entitle its owner to one vote.

SEC. 13. *Be it further enacted*, That said company shall have succession for ninety-nine years.

Hawker-
ville
Turnpike Co.

SEC. 14. *Be it further enacted*, That E. H. Ikard, John Oliver, A. M. Rutledge, Rowland Morris, D. S. Long, Stephen Rowe, and John Henley, together with such others as may be associated with them, are hereby created a body politic and corporate, by the name and style of the Hawker-ville Turnpike Company, for the purpose of building a turnpike road from the University grounds, on Cumberland Mountain, in Franklin county, to Hawker-ville, in the same county; said road to be thrown up and well drained, and to be fifteen feet wide, with gravel or broken rock on twelve feet thereof, on the side of the mountain, the balance of the road to be made as the directors may agree.

SEC. 15. *Be it further enacted*, That the company chartered under the 14th section hereof shall have all the powers, rights and privileges, and be subject to the same obligations of the Sewanee Turnpike Company.

SEC. 16. *Be it further enacted*, That said Hawker-ville Turnpike Company may erect one gate on said road when the same is done, regardless of the distance.

SEC. 17. *Be it further enacted*, That when the sum of six thousand dollars is subscribed, the persons aforesaid may call a meeting of the stockholders, (the chairman of the County Court shall represent the stock of the county.) and at such meeting the stockholders may organize by electing directors, who, if they see proper, may proceed to work or may delay the work until the stock is increased to a sum not exceeding twenty thousand dollars.

SEC. 18. *Be it further enacted*, That this act take effect and be in force from and after its passage.

SEC. 19. *Be it further enacted*, That the Justices of the Peace, before levying a tax for the purpose of building said Sewanee turnpike road, shall submit the proposition to the legal voters of the county where such subscription may be made, and the same shall receive a majority of the votes cast, and it shall be the duty of the sheriff to open and hold such election, after giving twenty days' notice of the same, as may be directed by the County Court. Those voting for the proposition, shall vote "tax," and opposed, "no tax," and if a majority vote for tax, then the County Court shall levy the tax in the same way that other county tax is levied and collected.

SEC. 20. *Be it further enacted*, That Robert W. Walker, Hezekiah Wilt and Burgess Witt, and their associates

shall be, and they are hereby constituted a body corporate and politic, by the name and style of the Coco Creek and Hiwassee Turnpike Company, and by that name may sue and be sued, plead and be impleaded in any court of record in this State, and may have and use a common seal, and enjoy all the rights, privileges and powers appertaining to turnpike incorporated companies by law, for a term of thirty years, and shall have succession.

Coco Creek and
Hiwassee Turn-
pike Company.

SEC. 21. That the capital stock of said company shall be one thousand dollars, or so much as shall be necessary to complete said road, not to exceed five thousand dollars; and said stock may be divided into shares of twenty-five dollars each, to be applied to the construction and keeping repaired said road.

SEC. 22. That Robert W. Walker is hereby appointed a commissioner, to open books and receive subscriptions for stock in said company, and he is hereby empowered to do the same at such times and places as he may deem most suitable; said books to be opened within twelve months from and after the passage of this act; said subscriptions may be made in money, or materials, or labor; if in materials or labor, the same to be made at its cash value. Said road shall commence at some point near Hezekiah Wilt's, in Monroe county, Tennessee, and running thence on the most practicable route to Walker's Ferry, on the Hiwassee river, in Polk county, Tennessee; said company are allowed to select the most eligible route for said road.

SEC. 23. That whenever three hundred dollars of the capital stock shall have been subscribed, a meeting of the stockholders may be called at Walker's Ferry herein before mentioned, of which ten days' notice shall be given, and when the stockholders shall have assembled, they may proceed to elect a director or directory, who shall be a stockholder, or stockholders, and who shall have power to organize said company and commence the construction of said road, and shall have all necessary powers for the laying out and constructing said road.

SEC. 24. If deemed necessary, the stockholders at said meeting may elect a president, secretary and treasurer, who shall hold their offices until successors are elected.

SEC. 25. Said road shall be a dirt turnpike, and constructed in the following manner: the road to be graded so as not to exceed twelve feet in any one hundred in length, the grade to be made regular, from the foot to the highest points of ascent, not to be less than ten feet wide in any place, clear of all obstructions, thrown up to the centre on all hill sides, so as to throw the drains on each side as well as all points on the same, when it is liable to become muddy

from standing water, and when necessary, it shall be ditched on each side, as well as culverts under the same when necessary, to keep it well drained, and to construct suitable and safe bridges and causeways, across all creeks, branches and swamps when necessary.

SEC. 26. When said road shall have been completed in the manner and style provided in the sixth section of this act, the company shall have power to erect a toll-gate at any point on said road, at which gate the following rates of toll may be charged, and received, and collected, to wit: fifty cents for every four-horse wagon, forty cents for every two horse wagon, sixty cents for every two-horse pleasure carriage or vehicle, thirty cents for every buggy, ten cents for every horseman, and five cents for every horse led, and one cent per head for drove sheep or hogs, and two cents for drove horses or cattle.

SEC. 27. The County Court of Polk county shall appoint three commissioners, any two of whom may act, whose duty it shall be to go over said road and examine the same, and if they find said road to be constructed and in the condition as provided for in this act, receive the same and give a certificate of such fact to said president or director, and he shall not be allowed to erect said gate until they shall first obtain the certificate aforesaid.

SEC. 28. That further, this company shall have all the rights and privileges given to the Yellow Springs and Montvale Turnpike Company, not herein embraced or included.

SEC. 29. *Be it further enacted*, That Robert C. Nall and his successors, be, and they are hereby constituted a body politic and corporate, by the name and style of the Madrid Bend Steam Ferry Company, with power by that name to sue and be sued, plead and be impleaded, and generally to do and perform all acts and things which bodies corporate may lawfully do, for the purpose of keeping up a public ferry across the Mississippi river, and shall have succession for fifty years.

SEC. 30. *Be it enacted*, That said company shall be individually liable for the liabilities of said company as general partners.

SEC. 31. *Be it further enacted*, That said corporators shall have the power to establish a public ferry across the Mississippi river, anywhere within four miles of E. E. Merriwether's landing, on said river, in the county of Obion, and may use a common ferry, horse or steam ferry boat, as their necessities and the public convenience may require.

SEC. 32. *Be it further enacted*, That the corporators in said company shall have the right of way from the public

highways, in Madrid Bend to the bed of the Mississippi river at low water mark, in order to make a good and sufficient road from such highways to the ferry, at low water mark, and the owners of lands through which said roads pass, shall have authority to apply to the County Court of Obion county, for the appointment of three commissioners, disinterested freeholders of said county, whose duty it shall be to ascertain and assess any damages that said road may cause to the owners of said lands, and for the road bed, which amount of damages may be settled to the satisfaction of the court on the report of the commissioners or to the satisfaction of the owners of the lands before said roads are built or made.

SEC. 33. *Be it further enacted*, That when said roads are completed, and the banks of the river put in proper order and suitable boats prepared, said company shall be entitled to receive such ferriage as the County Court of Obion county may adjudge right and proper.

SEC. 34. *Be it further enacted*, That James Darden, Dr. G. Darden, William Stroud, Hamilton Ison, Dr. J. Brainbridge, J. G. Felts, P. P. Martain, Dr. R. G. Glover, D. S. Ashbrooks, Philip Anthony and W. Thomas, be, and they are hereby appointed commissioners, or a majority of them, to locate a turnpike road leading from Paradise Hill to Port Royal, or Red river, in ——— county, Tennessee, crossing Sycamore creek at the ford, and the lands of G. W. Fry, running with the meanderings of the Hopkinsville road, through Turnersville; and that said commissioners or a majority of them, are hereby authorized to receive subscriptions for stock in said road, in shares of twenty dollars, and when a sufficiency of stock is subscribed, in the opinion of a majority of said commissioners, they shall call the stockholders together, who may elect out of their number a board of directors, to consist of seven, one of whom shall be elected president, and said directors shall elect a secretary and treasurer, and do all other things necessary and legal to organize the company which is hereby authorized to be incorporated, by the name and style of the Paradise and Port Royal Turnpike Company, with all the rights, powers and privileges, and under the restrictions authorized by the Code of Tennessee.

Paradise and
Port Royal
Turnpike Co.

SEC. 35. *Be it further enacted*, That William McSwan, David H. Gorman, William Jack, James R. Allen, John Stuart, and their associates and successors are hereby made a body corporate and politic, which may sue and be sued, by the name and style of the Big Pigeon Bridge Company, and such company is hereby empowered to build and keep in repair a toll bridge across Big Pigeon river,

Big Pigeon
Bridge Co.

in Cocke county, between the lane running from the river below D. H. Gormans's house and the river ford, for the term of ninety years.

SEC. 36. That the capital stock of said company shall consist of six hundred shares, of five dollars each, and may be increased to any amount necessary for the purposes herein expressed.

SEC. 37. That said body corporate shall have and exercise all the rights, powers, privileges and immunities conferred upon the Boyles and Henshaw Bridge Company, by the act of 1855, chapter 47, and the 11th section of the act of 1856, chapter 186, entitled, an act to charter the Knoxville Bridge Company, and for other purposes, and shall be subject to like restrictions.

Winten Gap and
Kentucky Turn-
pike Company.

SEC. 38. *Be it further enacted*, That Lewis Rector, J. S. Scott, Richard Oliver, J. F. Scott, S. H. Scott, and their associates and successors are hereby incorporated and made a body politic, to be called the Winten's Gap and Kentucky Turnpike Company, with power and authority to construct and open a turnpike road, commencing on the north boundary line of Roane county, near Winten's mineral springs, crossing Waldon's Ridge, so as to avoid bluffs and rocks as far as practicable, crossing then a fraction of Anderson county, down New river to the county of Scott, and through the same to the State line of Kentucky, over the most practicable ground, to meet the accommodation of the stock-drivers from the State of Kentucky, to the south, in the direction" of Lenoir's depot on the Tennessee and Georgia Railroad.

SEC. 39. *Be it further enacted*, That the said road in all respects be opened and kept in repair as provided by an act passed the 16th of November, 1819, entitled, an act to open and establish a turnpike road from a point at or near Davidson's on Piles turnpike road, to intersect the Cumberland turnpike road, between Robert Johnson's and the standing stone, and for other purposes, and the proprietors of the road hereby established have the same tolls, rights, powers and privileges provided for by the said act, and the proprietors of the road in all respects be under the same rules, liabilities and restrictions.

SEC. 40. *Be it further enacted*, That John H. Kingston, W. L. Smith, and Allen McDaniel, of Scott county, be, and they are hereby appointed a committee over said road, who shall perform the same duties, take the same oath, and receive the same compensation provided for the commissioners for the road aforesaid, by the act of 1819.

SEC. 41. *Be it further enacted*, That said company be, and they are hereby authorized to erect and keep a gate

on said road, north of Winten's mineral springs, and shall be entitled to demand and receive tolls, as specified in the act of 1819, as heretofore stated.

SEC. 42. *Be it further enacted*, That said company incorporated shall continue, and the said Lewis Rector, J. S. Scott, J. F. Scott, Richard Oliver and S. F. Scott, shall have the right of said road, and to keep the said gate under said restrictions, and complying with this act for fifty years, and no longer, under this charter.

SEC. 43. *Be it further enacted*, That the Chattanooga and Central Kentucky Railroad Company, is hereby given the further time until the first day of March, 1862, to organize and commence work upon said road.

Chattanooga and
Central Ken-
tucky Railroad
Co'

SEC. 44. *Be it further enacted*, That all previous acts chartering said Railroad Company, be revived and continued in full force until the time fixed in the preceding section.

SEC. 45. *Be it further enacted*, That the Coosa and Chattanooga River Railroad Company, and the Chattanooga and Central Railroad Company shall have the right to form a junction on the north side of Tennessee river, at any point and at any time they may see proper.

SEC. 46. *Be it further enacted*, That said two companies shall have the right to amalgamate at any time they may see proper, that part of each road north of the Tennessee river; but no communion of interest or amalgamation shall be made south of the point of such junction; and the amalgamation north of said river and junction may be made and governed according to any contract they may make.

SEC. 47. *Be it further enacted*, That Wilkins W. Waggoner, James S. Waggoner, James B. Robinson, and Wm. P. Lashld, together with any other persons who may subscribe and take stock in said road, be and they are hereby appointed commissioners to open books to receive subscription for stock for the purpose of building a turnpike road from Waverley, in the county of Humphreys, to Camden, in the county of Benton, a distance of eighteen or nineteen miles, at such times and places as they may think best, either in cash subscriptions, or in work, and the four above named persons, or so many of them as shall unite in making said road, or any other person or persons not named, who shall aid in its construction, any seven of them shall be commissioners to locate said road, and shall be, and they are hereby appointed a body politic and corporate, by the name and style of the Waverley and Camden, and Waggoners' Ferry Turnpike Company, and by that name may sue and be sued, plead and be impleaded, have a common seal and succession for ninety-nine years.

Waverley and
Camden Turn-
pike Company

Waggoner's
Ferry Turnpike
Company.

SEC. 48. *Be it further enacted*, That the capital shall not exceed fifty thousand dollars, and may be any sum less than that, necessary to complete said road, or that part of said road commencing at the foot of the hill above high-water mark, on the east side of the Tennessee river, and extending to the foot of the hill above high water mark on the west side of Tennessee river, near the said James B. Robison's; that the stock of said road be divided into shares of twenty-five dollars each, and whenever it is deemed by the stockholders that a sufficient sum is subscribed either in cash or in work, to build said road across the Tennessee river bottom, or low lands, a meeting of the stockholders shall be held at such time and place as a majority may designate, all being notified, and when assembled such majority may proceed to elect seven directors, being stockholders, who shall elect one of their body president of the board of directors, and the president and directors thus chosen shall have power to elect a secretary and treasurer; to pass by-laws and fully organize, and put under contract the building of said road; but that said part of road across the bottom or low lands of the Tennessee river as above described, shall be put first under contract and shall be completed within three years from the passage of this act, and that the balance of said road shall be put under contract so soon as a sufficient amount shall have been subscribed to complete the same. That any four or more persons in the county of Humphreys, desiring to avail themselves of the benefits of this act, may open books to receive subscription for stock, that each stockholder shall have one vote to each share of twenty-five dollars he may subscribe.

SEC. 49. *Be it further enacted*, That all the officers so elected and chosen shall hold their respective offices for two years from the date of election, and until their successors be chosen and appointed; and such president and directors shall have full power to make contracts with any person or persons for the clearing and opening, and making the said road along the route which shall be marked out by a majority of the commissioners.

SEC. 50. *Be it further enacted*, That the president and directors of said road, or the commissioners, shall at such time as suits their convenience, proceed to lay off and locate said road, and may locate and build the same, entirely or in part, on the bed of the present road leading from Waverley to Camden, by way of Mill's Point, on the Tennessee river.

SEC. 51. *Be it further enacted*, That said road shall be opened thirty feet wide, graded twenty feet, and shall be graveled with creek or other gravel, except on the high land

r ridges, with sufficient ditches on each side, to drain the road, and said company shall build such bridges, culverts and other drains in such manner as shall be durable and sufficient to drain said road at all seasons of the year; and when said road is thus made, they shall be allowed the same rate of toll at their respective gates, as is allowed to other turnpikes in said State, or that they be allowed such toll as shall be allowed by the county courts of Benton and Humphreys counties; the county court of Humphreys have jurisdiction of the toll at the gates east of the Tennessee river, and that the county court of Benton have jurisdiction of the gates west of the Tennessee river in said county.

SEC. 52. *Be it further enacted*, That so soon as five miles of said road across the Tennessee river as described in this act are completed, said company may erect a toll gate upon the same and charge toll: *And, provided further*, That when any other five miles of said road are completed, said company shall be entitled to one gate for each five miles.

SEC. 53. *Be it further enacted*, That the aforesaid president and directors, or commissioners, may demand of such subscribers as may take stock in said road, such sums as to them may seem reasonable, to facilitate the speedy completion of the same, and said directors or commissioners are authorized to receive subscriptions for stock in said road, to be paid either in money or work, in such proportions as said commissioners shall authorize and direct; and in case any stockholders shall do work on the road, and difference should arise as to the true value of said work, or any material furnished, then said board of directors shall appoint one person on the part of the company, in no wise interested in the road, said appointee in connection with some one appointed by the party or parties doing work or furnishing material, and the two appointed shall have power to fix the value of the labor done or material furnished, or in case of disagreement, to call in a third party disinterested, and the result of such judgment in any case shall be certified by the parties in writing, to the board of directors and parties in interest.

SEC. 54. *Be it further enacted*, That if said company shall not begin said road within two years after the passage of this act, this charter shall be void, unless further time be allowed for the building of said road by the proper authority.

SEC. 55. *Be it further enacted*, That the said Wilkins, W. Waggoner and James T. Waggoner, be authorized to establish a ferry across the Tennessee river at their land-

ing, and shall at all times keep a good and safe ferry-boat for the accommodation of the traveling community, and such as desire to cross the Tennessee river at said ferry; and that they shall keep the banks at their landing on each side in good repair, and that they receive such ferriage in amount as the county court of Benton county may allow them, not to exceed the amount in ferriage received by other keepers of ferries, on the said Tennessee river, in the county of Benton, aforesaid.

Hawthorneville and
Pelham, Turn-
pike Co.

SEC. 56. *Be it further enacted*, That there shall be a turnpike road chartered from Hawthorneville, in Franklin county, to Pelham, in Grundy county, and have all the rights and benefits of the above chartered company, and that John Oliver, Wm Gwin and Elijah Ikard, of the county of Franklin, and A. E. Patton, Solomon Goodman, and J. M. Wilkins, of the county of Grundy, be, and the same are hereby appointed commissioners to locate, and procure stock for the same.

Middleton Turn-
pike Co.

SEC. 57. *Be it further enacted*, That the Middleton Turnpike Company in Rutherford county be authorized, if the company think proper, to extend their road from Mrs. Jamison's to Middleton, with the same powers and privileges granted to them in the original charter.

Granville and
Martin's Creek
Turnpike Co.

SEC. 58. *Be it further enacted*, That the Granville and Martin's Creek Turnpike Company, be, and they are hereby authorized to extend their road to Mountain Peak, on the Walton road, in Putnam county.

SEC. 59. *Be it further enacted*, That nothing herein contained shall be so construed as to grant any State aid, or to give any company further time, to come within the provisions of State aid.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN.

Speaker of the Senate.

Passed, February 28, 1860.

CHAPTER 95.

AN ACT to incorporate the Young Men's Hebrew Benevolent Society, of the city of Nashville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Benjamin Lyons, S. Morgo-
lins, D. Aaron, J. Fleishman, S. Leberman, L. Solomon

and J. Emanuel, and their successors in office, be, and the same are hereby constituted a body politic, by the name of the *Young Men's Hebrew Benevolent Society*, to be situated in the city of Nashville, State of Tennessee; and by that name shall have succession for ninety-nine years, and a common seal, and may sue and be sued, plead and be impleaded in any court of law or equity in this State, and elsewhere.

SEC. 2. *Be it enacted*, That the said body corporate, and their successors in office, by the name aforesaid, shall be capable in law to purchase, receive and hold, themselves and their successors forever, any lands, tenements, goods or chattels, which may be given, granted or devised to them for the use of said body corporate, and to use and dispose of the same in such manner as to them shall seem most advantageous to carry out the benevolent object of said association.

SEC. 3. *Be it enacted*, That any five of aforesaid parties shall constitute a quorum for the purpose of organizing said society; and a majority of all the members may elect such officers as are necessary for the purpose of said association; and may make such orders, rules and regulations for the government thereof, not in violation of the law of the land, as may be deemed needful and necessary.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, March 5, 1860.

CHAPTER 96.

AN ACT to incorporate the Rock City Guards Military Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Robert C. Foster, 3d, Frank Sevier, James B. Craighead, Joseph Vanlx and Joseph L. Woods, and their successors in office, be, and are hereby constituted a body politic and corporate, by the name and style of the *Commissioned Officers of the Rock City Guards*; with power to sue and be sued, plead and be impleaded, answer and be answered in all kinds of suits and actions, and to do and perform all other acts and things

which bodies corporate may lawfully do. The corporation shall have power to receive by gift, donation or purchase and to hold personal, real and mixed property; to sell, exchange, mortgage, or otherwise dispose of the same as in their judgment may best subserve the interest of said Rod City Guards; that said board shall be empowered to do all acts and things, to pass all by-laws and regulations which may be necessary to the carrying out the object of this corporation: *Provided*, None of said acts, by-laws and regulations be inconsistent with the constitution and laws of the State. That a majority of said board of Commissioned Officers shall constitute a quorum to transact such business as may be delegated to them by the constitution, articles of agreement, by-laws, and regulations of said company.

SEC. 2. *Be it further enacted*, That the members of said military company shall be exempted from serving on juries; and that this act take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives

TAZ. W. NEWMAN,

Speaker of the Senate

Passed, March 8, 1860.

CHAPTER 97.

AN ACT to authorize certified copies of grants, given by the Entry Taker of Gibson county, to be read as evidence in the courts of this State, and for other purposes.

WHEREAS, There are on file in the office of the Entry Taker of Gibson county, which office succeeded to the papers and records of the Surveyor General of the 13th Surveyor's District, copies certified by the Secretary of State of North Carolina, grants for land in said 13th district; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Entry Taker of said county of Gibson be authorized to give certified copies of said grants to be read as evidence in the courts of this State; and such copies so certified by the Entry Taker shall be read as *prima facie* evidence in the several Courts of this State.

SEC. 2. *Be it further enacted*, That the Secretary of State is hereby directed to have such of the old land books

in his office, as require it, rebound in a good and substantial manner; and that he transcribe or have transcribed in a good and legible hand, an old warrant book; and prepare a double index to such of the old North Carolina land books as have none; and his account for all of which shall be audited by the Comptroller, and he shall receive, as compensation therefor, twenty-five cents per page for transcribing, and six cents per grant for indexing, to be paid out of the treasury upon the warrant of the Comptroller.

Secretary of State
to make index,
etc.

SEC. 3. *Be it further enacted*, That the Secretary of State shall carefully compare the copies made as aforesaid with the originals, and see that they are correct, and append a certificate to that effect; and copies from the books thus transcribed shall be as good and valid in law as the originals.

W. C. WHITTHORNE,
Speaker of the House of Representatives
TAZ. W. NEWMAN,
Speaker of the Senate

Passed, March 8, 1860.

CHAPTER 98.

AN ACT to change the name of Francis G. Roach, to that of Francis G. DeRoach.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the name of Francis G. Roach, be and the same is hereby changed to that of Francis G. DeRoach, and by such name he shall be known and called, and none other.

SEC. 2. *Be it further enacted*, That this act take effect from and after its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives
TAZ. W. NEWMAN,
Speaker of the Senate

Passed, March 8, 1860.

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MITTHORNE,
House of Representatives.
NEWMAN,
Speaker of the Senate.

1890.

Montgomery and Dickson, and

the General Assembly of
the county line between

Montgomery and Dickson be changed so as to include the residence of Joseph Weems in the latter.

SEC. 2. *Be it further enacted*, That the line between the counties of Wilson and Smith be so changed as to include the lands of James Holmes in the county of Wilson. Wilson and Smith counties.

SEC. 3. *Be it further enacted*, That the line between Cheatham and Montgomery counties be so changed as to include the lands of E. L. Williams, B. B. Persons, H. C. Pall, W. G. Pickering and W. B. Stewart in Montgomery county. Cheatham and Montgomery.

SEC. 4. *Be it further enacted*, That the county line between the counties of Perry and Wayne be so changed as to include the lands of W. M. Lofferty in the county of Wayne, and to include the lands of D. W. Carroll in the county of Wayne: *Provided*, That it does not reduce Perry county below its constitutional limits. Perry and Wayne.

SEC. 5. *Be it further enacted*, That the lands of Jonathan Pickett be attached to DeKalb county. DeKalb.

SEC. 6. *Be it further enacted*, That all the lands now owned by James M. Anderson be attached to White county.

SEC. 7. *Be it further enacted*, That the county line be altered between the counties of Perry and Hickman so as to include the citizens living on Russell's creek in Perry county. Hickman.

SEC. 8. *Be it further enacted*, That the county line between Putnam and Jackson be so altered as to include the residence and farm of Mathew M. Brewington in the county of Jackson. Putnam and Jackson.

SEC. 9. *Be it further enacted*, That the county line between the counties of Maury and Lewis be so changed as to place the beginning corners of the land and dwelling house of A. J. Pugh in the county of Maury. Maury and Lewis.

SEC. 10. *Be it further enacted*, That the line between the county of DeKalb and the county of Cannon be so changed as to detach that portion of Charles Hutchison's farm, which lies in the county of DeKalb from the said county of DeKalb, and attach the same to the county of Cannon. DeKalb and Cannon.

SEC. 11. *Be it further enacted*, That the county line between the counties of Williamson and Marshall be so changed as to include the residence of M. H. Hughes in Williamson county. Williamson and Marshall.

SEC. 12. *Be it further enacted*, That the line between the counties of Wilson and DeKalb be so changed as to include in the county of DeKalb the land belonging to James P. Doss, embraced in the tract in which he now lives. Wilson and DeKalb.

SEC. 13. *Be it further enacted*, That the lines between the counties of Lincoln and Franklin be so changed as to Lincoln

include the farm and residence of C. H. Bean in the county of Franklin.

SEC. 14. *Be it further enacted*, That all laws and parts of laws that come in conflict with this act are hereby repealed and that this act take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 7, 1860.

CHAPTER 101.

AN ACT to amend the charter of the Emory Transportation and Manufacturing Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the 17th section of an act passed 29th February, 1856, entitled, an act to amend the charter of the Edgefield Bucket and Broom Manufacturing Company, and for other purposes, be, and the same are hereby so amended as to allow the Emory Transportation and Manufacturing Company to purchase such real estate as may be necessary or advisable in the prosecution of their business, and said company may sell and transfer or convey in trust any such real estate as may be owned by said company: *Provided*, Said real estate shall be subject to taxation as other lands are by law.

SEC. 2. *Be it further enacted*, That such purchases, sales, or conveyances in trust, as provided in the foregoing section, may be made in the name and by the style of the President and Directors of said Company, and conveyances signed by the president and secretary of said company, shall be as binding and valid in law and equity as if signed by all of the directors.

SEC. 3 *Be it further enacted*, That said company may build dams on said Emory river, with or without locks, for manufacturing purposes, above the mouth of Clifty.

SEC. 4. *Be it further enacted*, That O. H. P. Sims, Thomas Snodgrass, and William Glenn, and their successors are hereby formed a body corporate and politic, by the name and style of the Sparta Manufacturing Company, for the purpose of manufacturing goods and articles from cotton, wool, hemp, or silk, and flour, and for the making of machinery or implements; and the said company is empowered to make and use a common seal, the same to change at pleasure, to make such by-laws not inconsistent with the

laws of this State or of the United States, as are necessary and useful; to sue and be sued, to have succession, to hold by purchase or otherwise, and to dispose of the same, any real estate or personal property, which may be convenient for the purpose of carrying on its operations, or which it may become possessed of in payment of debts due to it, in whole or in part: *Provided, nevertheless,* That the real estate so held shall at no time exceed the maximum of its capital hereinafter provided for.

SEC. 5. *Be it further enacted,* That the capital stock of said company shall be divided into shares of one hundred dollars; shall consist of not less than two hundred and fifty shares, nor more than two thousand, shall be transferred only on the books of the company, and then only by the consent of the board of directors, unless the whole amount of instalments due thereon shall have been previously paid; the company shall have power to declare forfeited to it any stock which may remain unpaid in whole or in part, or it may, at its option sue for and recover the unpaid amount before any tribunal having jurisdiction of such sums, first, however, giving thirty days' notice of such call having been made.

SEC. 6. *Be it further enacted,* That said Sims, Snodgrass and Glenn, are hereby appointed commissioners to open books for subscriptions of the capital stock of said company, and when the number of two hundred and fifty shares, or greater number not exceeding two thousand, as may be determined on by the commissioners, shall have been subscribed for, the said company shall proceed to elect three directors, who, with a president, to be elected from their own body, shall manage the affairs of said corporation, and may hold their offices for the term of one year, or until their successors are elected and qualified; should there be a less number of shares subscribed for than two thousand, the company when organized may increase in such manner as it deems proper, so as not to exceed the largest sum authorized.

SEC. 7. *Be it further enacted,* That the 20th section of said act be so amended as to apply to manufacturing in every variety and material as well as in iron.

SEC. 8. *Be it enacted,* That this act take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 1, 1860.

SEC. 48. *Be it further enacted,* That the capital shall not exceed fifty thousand dollars, and may be any sum less than that, necessary to complete said road, or that part of said road commencing at the foot of the hill above high-water mark, on the east side of the Tennessee river, and extending to the foot of the hill above high water mark on the west side of Tennessee river, near the said James B. Robison's; that the stock of said road be divided into shares of twenty-five dollars each, and whenever it is deemed by the stockholders that a sufficient sum is subscribed either in cash or in work, to build said road across the Tennessee river bottom, or low lands, a meeting of the stockholders shall be held at such time and place as a majority may designate, all being notified, and when assembled such majority may proceed to elect seven directors, being stockholders, who shall elect one of their body president of the board of directors, and the president and directors thus chosen shall have power to elect a secretary and treasurer; to pass by-laws and fully organize, and put under contract the building of said road; but that said part of road across the bottom or low lands of the Tennessee river as above described, shall be put first under contract and shall be completed within three years from the passage of this act, and that the balance of said road shall be put under contract so soon as a sufficient amount shall have been subscribed to complete the same. That any four or more persons in the county of Humphreys, desiring to avail themselves of the benefits of this act, may open books to receive subscription for stock, that each stockholder shall have one vote to each share of twenty-five dollars he may subscribe.

SEC. 49. *Be it further enacted,* That all the officers so elected and chosen shall hold their respective offices for two years from the date of election, and until their successors be chosen and appointed; and such president and directors shall have full power to make contracts with any person or persons for the clearing and opening, and making the said road along the route which shall be marked out by a majority of the commissioners.

SEC. 50. *Be it further enacted,* That the president and directors of said road, or the commissioners, shall at such time as suits their convenience, proceed to lay off and locate said road, and may locate and build the same, entirely or in part, on the bed of the present road leading from Waverley to Camden, by way of Mill's Point, on the Tennessee river.

SEC. 51. *Be it further enacted,* That said road shall be opened thirty feet wide, graded twenty feet, and shall be graveled with creek or other gravel, except on the high land

to this General Assembly, asking to be released from the said charter of incorporation:

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That said town of Louisville, in Blount county, be, and the same is released from said charter, and the same be null and void.

SEC. 2. *Be it enacted,* That an act passed March 20th, 1858, entitled, an act to authorize the election of an additional Justice of the Peace, in the tenth civil district of Blount county, be, and the same is hereby repealed. And that this act take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 3, 1860.

CHAPTER 104.

AN ACT to charter Shady Grove Seminary in Stewart county, and Sale Creek Masonic Academy in Hamilton county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That J. W. Wofford, H. J. Scarborough, George T. Williams, A. S. Sexton, and J. E. Rice, shall be and they are hereby constituted a body politic, and corporate under the style and title of Shady Grove Seminary, in the county of Stewart and State of Tennessee, and shall have succession for ninety-nine years, and a common seal, and that they and their successors, and such others as may be associated with them by the name aforesaid, or such other name as the Trustees may adopt, shall have, and they are hereby invested with all legal powers and capacities to buy, receive, possess and hold, alien and dispose of, any property for the use and benefit of said institution; and may sue and be sued, and commence any legal process or processes, and have the same instituted against them in any court of record.

SEC. 2. *Be it further enacted,* That three trustees shall constitute a quorum, and the said trustees shall have full powers to establish such departments in the institution as may be useful, and to elect such officers, professors or teachers as they may deem necessary to secure the object of the institution; and also to make such by-laws and regu-

lations as by them may be considered necessary: *Provided*, That the same be not inconsistent with the constitution of the United States, or of this State.

SEC. 3. *Be it further enacted*, That upon the death, resignation or removal of any of the Trustees, the vacancies thereby occasioned may be filled by the remaining trustees, or a quorum of them.

SEC. 4. *Be it further enacted*, That the Trustees shall meet as often as may be considered necessary by them, and that the officers, professors and teachers, with the advice and consent of the trustees, may confer on any student in the institution, or any other person or persons, any degree or honors that are known and used in any similar institution of learning in the United States.

SEC. 5. *Be it further enacted*, That the land, buildings, and property of said institution shall be exempt from taxation.

SEC. 6. *Be it further enacted*, That no misnomer or misdescription of said corporation in any deed, will, gift, grant, devise or other instrument of contract or conveyance shall vitiate or defeat the same, but that the same shall take effect in like manner, as if the corporation were rightly named: *Provided*, It is sufficiently described to ascertain the intention of the parties.

Sale Creek Ma-
sonic Academy.

SEC. 7. *Be it further enacted*, That there shall be established in the eleventh civil district in Hamilton county, Tennessee, an institution of learning to be known by the name and style of Sale Creek Masonic Academy.

SEC. 8. *Be it further enacted*, That the power herein granted for the government of this academy, shall be and is vested in Sale Creek Lodge No. 280, of Free and Accepted Masons, who shall constitute the board of trustees, and by the name of the board of trustees of Sale Creek Masonic Academy shall have succession for ninety-nine years, and for permanent establishment of said academy, shall be proprietors of all real and personal estate or property belonging to said institution; and with their successors are hereby declared to be a body politic and corporate by the name and style aforesaid, and be liable to sue and be sued, plead and be impleaded in all courts of law and elsewhere, and purchase, hold and sell real estate as well as personal, and to receive the same by gift, bequest, or devise, in trust for the purpose of education, and may have a common seal, and to ordain, establish and put in execution such laws and regulations for the purpose of transacting the business of, and for the governing and conducting said academy, as shall appear to them right, proper and necessary: *Provided*, The same shall not be inconsistent with

the constitution and laws of the State or of the United States.

SEC. 9. *Be it further enacted*, That all conveyances, gifts or devises heretofore made to said "Sale Creek Masonic Academy," are hereby declared valid, and the academy now erected by, and in the possession and control of said "Sale Creek Masonic Academy," be and remain as the point of location of said institution of learning, until the same shall or may be removed by said trustees according to their laws and regulations for the government of said institution.

SEC. 10. *Be it further enacted*, That said academy being in or near the centre of the common school district in said eleventh district, the same shall also be open to the reception all persons falling within the provisions of the common school laws in said district, and the common school commissioners of said district shall so apply the common school fund: *Provided, however*, When persons reside on the district line, or too remote from said academy, they may send to another school, as now prescribed by law.

SEC. 11. *Be it further enacted*, That all laws and parts of laws in conflict with this act, be, and the same are hereby repealed, and this act shall take effect from its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, March 1, 1860.

CHAPTER 105.

AN ACT to incorporate Taylorsville Lodge of Free and Accepted Masons; the Daneyville Lodge of Free and Accepted Masons; and also, to incorporate the Spring Street Baptist Church of the City of Nashville, Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the officers and members of Taylorsville Lodge, No. 243, of Free and Accepted Masons, and their successors, be, and are hereby constituted a body corporate and politic, by the name of Taylorsville Lodge of Free and Accepted Masons; with power by that name to sue and be sued, plead and be impleaded, and to do and perform all other acts and things, which bodies corporate may lawfully do, for the purposes hereafter mentioned.

SEC. 2. *Be it further enacted* That the corporation shall have power to receive by gifts or purchase, and hold

real and personal property, to sell, exchange, mortgage or otherwise dispose of the same as in their judgment may best subserve the interest of the corporation.

SEC. 3. *Be it further enacted*, That said officers and members, and their successors, shall have power to make all by-laws and regulations necessary for their own government, to choose their own officers in such manner as they may deem best, and to prescribe the mode in which their successors shall be chosen, and to do all other acts and things proper to carry out the objects of this incorporation: *Provided*, That they are not inconsistent with the constitution of this State.

Clarksville
Lodge.

SEC. 4. *Be it further enacted*, That Thomas McCulloch, T. A. Thomas, and S. T. Beaumont, be incorporated under the name and style of Clarksville Lodge, No. 89, located at Clarksville, Tennessee, with all the rights, powers and privileges in the foregoing bill to incorporate Taylorsville Lodge of Free and Accepted Masons.

Port Royal
Lodge.

SEC. 5. *Be it further enacted*, That R. H. Izra, John D. Tyler and James Brown, be also incorporated under the name of Port Royal Lodge of Free and Accepted Masons, with all the rights and powers and privileges of the foregoing act to incorporate Taylorsville Lodge of Free and Accepted Masons.

Sparta Lodge.

SEC. 6. *Be it further enacted*, That the Master and Wardens of the Masonic Lodge of Free and Accepted Masons at Sparta, and their successors in office, are hereby incorporated under the name of Sparta Lodge, No. 99, with all the rights, powers and privileges of the foregoing Lodge.

Lincoln Lodge.

SEC. 7. *Be it further enacted*, That the officers and members of Lincoln Lodge, No. 210, and Decaturville Lodge No. —, of Free and Accepted Masons, and their successors, are hereby constituted a body politic and corporate, by the name and style of Lincoln Lodge, No. 210, Perry county, Tennessee, and Decaturville Lodge, No. —, of Decatur county, Tennessee, with all the rights, privileges and immunities granted to Taylorsville Lodge, No. 243, of Free and Accepted Masons.

Decaturville
Lodge.

SEC. 8. *Be it further enacted*, That the officers and members of Danceyville Lodge, No. 165, of Free and Accepted Masons, and their successors, are hereby constituted a body politic and corporate, by the name and style of Danceyville Lodge, No. 165, of Free and Accepted Masons, Haywood county, Tennessee, with all the rights, privileges and immunities granted Taylorsville Lodge, No. 243, of Free and Accepted Masons.

Danceyville
Lodge.

SEC. 9. *Be it further enacted*, That the Spring Street Baptist Church of the city of Nashville, holding to the

faith as laid down in the Declaration of Faith, unanimously adopted at a full meeting of the Nashville Baptist Church, held on the ninth day of July, eighteen hundred and thirty-six, the same being of record in the Register's office of Davidson county, in Book No. 4, pages 256, 257, 258 and 259, and their successors, who may hold to the same faith, be, and are hereby incorporated by the name of the Spring Street Baptist Church of the city of Nashville, shall have power to elect nine trustees, in whose name as trustees, or their successors, they may contract and be contracted with, sue and be sued, plead and be impleaded, in any of the courts of this State, may receive and hold any appropriations, grants, donations, bequest of funds, personal or real property, upon trust to apply the same, or the income, or increase, or proceeds of the same, for the benefit of the corporation.

Spring Street
Baptist Church

SEC. 10. *Be it further enacted*, That the trustees who may be appointed under this act shall have power and authority to purchase, hold, alien and dispose of property, real and personal, to be held in fee simple, or otherwise, subject nevertheless to the assent of two-thirds white male members present at a regular monthly business meeting of the church.

Trustees.

SEC. 11. *Be it further enacted*, That no misnomer or misdescription of said corporation in any deed, will, gifts, grants, devise, or other instrument of contract, or conveyance, shall abate or defeat the same, but that the same shall take effect in like manner, as if the said corporation were regularly named: *Provided*, It be sufficiently described to ascertain the intention of the parties.

SEC. 12. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

B. L. STOVALL,

Speaker of the Senate.

Passed, March 1, 1860.

CHAPTER 106.

AN ACT to incorporate the Merchants' and Planters' Bank of Memphis.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That subject to the provisions of an act passed by the General Assembly of the State of

Tennessee, on the 6th of February, 1860, styled, "An act to reform and regulate the business of Banking in Tennessee," the persons who may become subscribers to a banking association to conduct the business of banking at the city of Memphis, Tennessee, shall be a body politic and corporate, under the name and style of the Merchants' and Planters' Bank of Memphis; with capacity to sue and be sued, to have and use a common seal, to hold and dispose of property, and to establish all needful by-laws for its government.

SEC. 2. *Be it further enacted*, That Jacob N. Moon, Sam. Tate, Thomas A. Nelson, Pitser Miller, John H. Bills, Anthony Street, George P. Taylor, Wm. H. Loving, David B. Greer, Wiley B. Miller, C. Kortrecht, A. Woodruff, Edgar McDavitt, S. B. Williamson, J. H. Trice, E. M. Apperson, Samuel Gates, Frazier Titus, John W. Todd, Wm. B. Greenlaw, D. W. Cook, W. M. Farrington, Thos. H. Allen, W. S. Pickett, John H. Speed, Wardlaw Howard, Henry G. Smith, Charles Jones, George Dixon, John R. McClanahan, J. M. Hill, J. H. McMahon, C. B. Church, F. Lane, Frank White, Samuel Mosby, Joseph Lenow, Q. C. Atkinson, R. C. Brinkley, R. S. Jones, John A. Noe, J. D. Williams, Barnet Graham, Henry Laird and Wm. R. Hunt, be appointed commissioners, (any five of whom may act,) and who shall open books and receive subscriptions for the capital stock of said company, at any time they may select, from the date of this act to the first of March, 1861. The capital stock of said company shall be one million of dollars, but may be increased to three million of dollars by vote of stockholders; and the same shall be divided into shares of one hundred dollars; and no person shall be allowed to subscribe for more than two hundred and fifty shares thereof. For the space of sixty days after the books are opened and notice, the privilege of subscribing for stock shall be confined to the people of Tennessee.

SEC. 3. *Be it further enacted*, That each stockholder shall pay ten dollars to the share at the time he makes his subscription, and the balance in such calls as the commissioners or board of directors may require.

SEC. 4. *Be it further enacted*, That the affairs of said company shall be conducted by twelve directors, at least two-thirds of whom shall be residents of Shelby county, Tennessee. The first meeting of stockholders to elect a directory shall be in Memphis, at such time and place as the board of commissioners may indicate; and in the election of directors each share of stock shall be entitled to one vote. The first directory shall continue in office until the first Monday in January after their election, when their succes-

ors shall be chosen; and always thereafter the election of directors shall be made on the first Monday in January of each succeeding year: *Provided*, That the existing directors shall always continue in office until their successors are chosen.

SEC. 5. *Be it further enacted*, That before entering upon the duties of his office, each officer of said company shall be required to take an oath for the faithful observance and discharge of their respective duties; and that the president, and cashier and teller, shall each, before entering upon the discharge of their official duties, give bond and good security, in such sum as the directors may require, for the faithful discharge of their respective duties; and every other officer of said company, except the directors, shall enter into a similar bond as required by the directors.

Oath of Office.

SEC. 6. *Be it further enacted*, That the prohibition upon the sale of bank stock, and upon discounting for stockholders, contained in section third of the "act to reform and regulate the business of banking in Tennessee," shall not be so construed as to prevent the sale of stock or discounts to stockholders after a sufficient amount of stock has been actually paid in to make the sum of three hundred thousand dollars.

SEC. 7. *Be it further enacted*, That the stockholders of the Bank of Chattanooga, (owners of two thirds of the stock voting therefor,) may change the name to the Bank of Memphis, and have a branch at Memphis.

Bank of Chattanooga.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, March 1, 1860.

CHAPTER 107.

AN ACT to charter the Banks of Clarksville, and of Middle Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John D. Tyler, William A. Quarles, R. S. Moore, Alfred Robb, Reuben T. Pollard, Robert Ferguson, George P. Allen, Thomas Ramsey, Jas. H. Williams and James Nolin, of Montgomery county; C. Dudley, of Stewart county; Thomas Overton, of Dixon county, and Edward Fort, of Robertson county, any five of whom may act, are hereby appointed commissioners to

receive subscription of stock to the Bank of Clarksville, hereinafter incorporated.

Open books. SEC. 2. The commissioners shall after thirty days' advertisement in such papers as they may see proper, open books for the reception of said subscription in the town of Clarksville, Montgomery county, and every person making subscription of stock, shall pay five per cent. thereof to the commissioners, at the time of making the same.

Shares. SEC. 3. The stock of said bank shall be divided into shares of one hundred dollars, and no person shall be authorized to subscribe more than five hundred shares, and the said commissioners may close the books for subscription at any time they may see proper, after keeping the same open for thirty days; and should there be more than ten thousand shares subscribed, the stock shall be scaled so as to bring the aggregate amount to one million dollars: *Provided*, The subscription of no stockholder shall be scaled below one hundred shares.

SEC. 4. And when there shall be as much as three thousand shares subscribed to said commissioners, the subscribers thereof are hereby created a body corporate and politic, by the name and style of the Bank of Clarksville, with power to sue and be sued; and shall be a bank of issue, of discount and deposit, and have all the rights and privileges, and be subject to all the liabilities and restrictions mentioned in the act passed 6th day of February, 1860, entitled an act to reform and regulate the business of banking in Tennessee.

SEC. 5. The said stockholders shall meet in the capacity of corporators as soon as said commissioners shall have received the requisite amount of subscription, and adopt such by-laws for the government of themselves and directors, as to them may seem fit; may elect such a number for the management of said bank, as they choose, not exceeding, however, nine in number, and ever thereafter the directors shall be elected annually.

Officers. SEC. 6. The board of directors shall elect their president and cashier, and other officers, fix their salaries, take from them such bond and security as they, or the corporation may order, and may adopt rules for their own government, not inconsistent with this charter, or the by-laws of the stockholders; and all officers shall take an oath to faithfully perform the duties of office, before entering upon the same.

SEC. 7. In the meeting of stockholders each share shall be entitled to one vote.

SEC. 8. Should there not be as much as one million dollars subscribed at the organization of said bank, the stock-

olders may at any time increase the same to a sum not exceeding that amount.

SEC. 9. After the organization of said bank, the commissioners shall settle with the directors thereof, and pay them all such collections as they may have made on account of said bank; and all stockholders not paying the subscription of stock as called for by said commissioners, shall forfeit the same, and also the first call of five per cent. shall be forfeited to said bank.

SEC. 10. *Be it further enacted*, That the prohibition upon the sale of bank stock, and upon discounting for stockholders contained in section 3, of an act to reform and regulate the business of banking in Tennessee, shall not be so construed as to prevent the sale of stock or discount to stockholders, after a sufficient amount of stock has been actually paid in to make the sum of three hundred thousand dollars.

WHEREAS, The Bank of Middle Tennessee, at Lebanon, is incorporated and doing business under the Free Banking Laws of this State, and the stockholders in the same desire to be incorporated, and to conform to the General Banking Law, passed at the present session of the General Assembly:

Bank of Middle
Tennessee.

SEC. 11. *Be it therefore enacted by the General Assembly of the State of Tennessee*, That William B. Campbell and Samuel T. Motley, the stockholders in said bank, their associates, successors and assigns be, and they are hereby constituted a body politic and corporate, by the name and style of the Bank of Middle Tennessee, with a capital of three hundred thousand dollars, in shares of one hundred dollars each; and by such name may sue and be sued, plead and be impleaded, may have succession and existence as a corporation for a period of fifteen years from the time of organizing under this act; may have a common seal, and may hold real estate and other property for banking houses, or such as may be obtained in payment of debts, or on mortgages, or deeds in trust to secure debts, or otherwise necessary for the legitimate business of this corporation.

SEC. 12. *Be it further enacted*, That whenever the sum of fifty thousand dollars, or five hundred shares shall have been paid in by the said stockholders, and their associates, in gold and silver coin, they may commence the business of banking under this charter, and according to the law passed the 6th day of February, 1860, entitled, an act to reform and regulate the business of banking in Tennessee; and said stockholders, their associates and successors, may, at any time thereafter, pay in gold and silver coin any additional capital, in sums not less than ten thousand dollars, or one hundred shares, and may, from time to time increase their capital stock and issue upon the same as pro-

Capital Stock.

vided in the 13th section of the before recited act, until they shall have raised their capital stock paid in to three hundred thousand dollars. The bank here incorporated shall be located in Lebanon, in the county of Wilson; the stockholders are hereby authorized to fix the number of directors, and shall at their first meeting elect a board of directors, who shall appoint one of their body president; and they shall afterwards meet on the last Saturday in December in each year, at their banking house, and elect directors for one year, or until their successors shall be elected; and should the stockholders fail to meet and elect directors at the time specified, the old board of directors shall hold on until an election shall take place, and the directors may fill any vacancy that occurs in the board from death, resignation, imbecility or removal from the State, until an election by the stockholders shall take place.

SEC. 13. *Be it enacted*, That the following shall be the fundamental articles, of this incorporation.

ARTICLE 1. That for every ten shares owned by each stockholder, he shall have one vote, and those owning under ten shares shall have one vote.

ART. 2. The directors may establish such by-laws as shall be necessary for their business; may fix the salary of all officers, clerks and agents, and may appoint one of their own body president of the board, and when he is absent, may appoint a president *pro tem*; and may appoint a cashier and all other officers and agents necessary for said incorporation.

ART. 3. Any stockholder or stockholders owning two hundred shares in this bank may call a general meeting of the stockholders, as shall one-half the directors, by giving thirty days' notice in a newspaper published in Lebanon or Nashville; stating the object of the meeting.

ART. 4. The president and directors may require bond and security of the officers and agents in the employ of this bank, which may be made payable to said bank in such sums and with such conditions as they may direct and deem necessary for the protection of the interest of said bank; and recoveries may be had thereon, for any default, neglect, fraud, failure or delinquency, on the part of said officers or agents, without regard to the amount of penalty in said bond or obligation.

ART. 5. The stock of this bank shall be transferable on the books of the company, in accordance with the rules prescribed by the directors, and any stockholder who shall transfer his stock to another person shall cease to be a member of this company, and any person accepting a transfer of stock in the same, shall become a member of this incorporation.

ART. 6. All bills, bonds, notes and every contract on

behalf of this bank, shall be signed by the president and countersigned by the cashier, and said bank shall not be liable for any contract or any engagement, unless the same shall be executed as aforesaid; but the cashier of said bank may in his own name alone, sign all checks drawn by said bank, and may endorse and transfer in his own name, all negotiable paper owned by said bank or held by it for collection.

ART. 7. The bills obligatory and of credit under the seal of this bank, which shall be made to any other person or persons, shall be transferred by endorsement thereon by such person or persons, and his, her, or their assignee respectively, and such assignee or assignees may sue and recover thereon in his, her or their own names; and bills and notes issued by this bank signed by the president and countersigned by the cashier, promising the payment of money to any person or persons, his, her or their order, or to bearer, though not under seal, of said bank, shall be binding on the same, in like manner and with like effect as foreign bills of exchange now are, and those payable to bearer shall be negotiable and transferable by delivery only; and all bills and notes, whether under seal or not, made payable within this State, at any time discounted by said bank, shall be placed upon the same ground as foreign bills of exchange, so that the like remedy for the recovery of the same from the drawer or drawers, endorser or endorsers, with the like effect may be had except so far as relates to damages, any law-usage or custom to the contrary notwithstanding.

SEC. 14. *Be it further enacted*, That upon the organization of this bank, the Bank of Middle Tennessee shall be allowed to withdraw its bonds from the Comptroller by a surrender and cancellation of a like amount of its circulation and to wind up its affairs as soon as practicable; and the bank here incorporated shall be bound and held liable for the circulation and liabilities of said bank.

SEC. 15. *Be it further enacted*, That the charter of the Bank of East Tennessee is hereby declared forfeited, and the act incorporating said bank repealed: *Provided, however*, That said bank shall have capacity to sue and be sued until all its outstanding transactions, rights and liabilities are liquidated: *Provided, further*, That nothing in this act shall be so construed as to release any stockholder from any liability which may exist against him in favor of note-holders of said bank.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate

Bank of East
Tennessee.

Passed, March 1, 1860.

CHAPTER 108.

AN ACT to incorporate the capital stock of the Union and Planters' Banks of Tennessee, and to incorporate the Bank of Frankland.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the president, directors and company, of the "Union Bank of the State of Tennessee," under the name of the "Union Bank of Tennessee," and the "Planters' Bank of Tennessee," be bodies politic and corporate, until the 1st day of January, 1878, with all the powers and privileges, duties and obligations, and subject to all the stipulations and provisions of the acts passed the 18th day of October, 1832, and the 15th day of November, 1833, chartering said Banks, and the acts amendatory thereto, as now binding on each respectively, except so far as the same are altered, repealed or modified by an act passed on the 6th day of February, 1860, styled "An Act to reform and regulate the business of Banking in Tennessee," to which said charters are subject, and that the existing stockholders of said corporations respectively (or those who shall be such at the time of acceptance), shall have till the 1st day of October, 1860, to accept this charter.

SEC. 2. *Be it further enacted*, That the capital stock of said Planters' Bank of Tennessee may be increased to the sum of two millions of dollars; and that said additional stock may be subscribed for at the principal bank at Nashville, without any right of pre-emption on the part of existing stockholders at any time within two months after the acceptance of this charter, and until the whole additional stock shall be taken, no individual, company, or corporation being allowed to take or subscribe for more than two hundred and fifty shares until six months after the books shall be opened for subscription.

Capital Stock.

SEC. 3. *Be it further enacted*, That, whereas the State of Tennessee has sold out the stock heretofore held by it in the Union Bank of Tennessee, the affairs of said corporation shall be administered by eleven directors to be elected by the stockholders.

SEC. 4. *Be it further enacted*, That the Planters' Bank of Tennessee, may establish a branch at Murfreesboro', in Rutherford county, and a branch at Livingston, Overton county, and also a branch at Chattanooga, in Hamilton county; and that the Planters' and Union Banks, or either of them, may establish a branch at Purdy, McNairy county; at Waynesboro', Wayne county; at McMinnville, Warren county, and at Hartsville, Sumner county, at any time after the passage of this act.

Branches.

SEC. 5. *Be it further enacted*, That the stock of said Banks shall be transferrable and assignable, according to such rules and ordinances as shall be prescribed by the president and directors thereof.

SEC. 6. *Be it further enacted*, That said Banks shall have the privilege of issuing notes of the denomination of five dollars, whenever that privilege shall be granted to any other Bank in this State.

SEC. 7. *Be it further enacted*, That the Union Bank and its branches may pay out all the notes of said Bank.

SEC. 8. *Be it further enacted*, That the Planters' Bank and its branches, may pay out all the notes of said Bank.

SEC. 9. *Be it further enacted*, That the directors, officers and employees of the Union and Planters' Banks shall take the same oath, and be subject to the same penalties imposed on the directors and officers of the Bank of Tennessee, when entering on the discharge of duties as directors, officers, &c., of said Bank of Tennessee.

SEC. 10. *Be it further enacted*, That the Bank of Tennessee and branches shall have the same powers and privileges in regard to paying out the notes of each other as are now allowed to the Union and Planters' Banks by the general banking law, and by this act.

SEC. 11. *Be it further enacted*, That a body politic and corporate is hereby established under the name and style of "The Bank of Frankland," of Tennessee, to be located in the city of Knoxville, in the State of Tennessee, with all the powers, rights, privileges, and immunities, and subject to the same restrictions, regulations and liabilities, granted and imposed by an act passed October 18th, 1882, entitled an "Act to charter the Union Bank of Tennessee," and acts amendatory thereto, subject however, to such alterations, modifications or changes, and granting, also, such further powers and privileges as may be created by this act for the said Union Bank, of the State of Tennessee, not inconsistent with the provisions hereinafter set forth.

Bank of Frankland.

SEC. 12. *Be it further enacted*, That Wm. A. Moore, Samuel N. Fain, H. T. Dick, Frank Butler and F. W. Taylor, of the county of Jefferson; James Sharpe, of the county of Sevier; R. J. Wilson and J. M. Toole, of the county of Blount; George Jones and Wm. M. Lowry, of the county of Greene; Hugh Graham and Joseph White, of the county of Claiborne; Wm. Carey, of the county of Campbell; Wm. Cross and John Whitson, of the county of Anderson; J. M. Alexander and J. C. Carlock, of the county of McMinn; Ezekiel Dunn, of the county of Polk;

Commissioners.

James Gettys, of the county of Meigs; James A. Coffin and Samuel J. Rowan, of the county of Monroe; John Baxter, Hu. A. M. White, John L. Moses, J. S. Van Gilder, S. B. Boyd, P. M. McClung, Gaines McMillan, Samuel Bowman, Wm. K. Eckle, David Burnett and J. A. Rayl, of the county of Knox; Samuel Gil, Pryor Jennings and John Nance, of the county of Grainger; Joshua Phipps and James Simpson, of the county of Hawkins; Lee Jessee, of the county of Hancock; Dr. Greene T. Magee and Nathaniel M. Taylor, of the county of Carter; Dr. James D. Donnelly and M. F. Waggoner, of the county of Johnson; David Rankin and Greene Pryor, of the county of Marion; Joseph R. Anderson and J. R. Dulaney, of the county of Sullivan; A. G. Graham and W. F. Sevier, of the county of Washington; Wm. S. McEwen and Wm. Lenoir, of the county of Roane; Abram Haynes, of the county of Union; John Hoyle and R. N. Gillespie, of the county of Rhea; Jo. Tucker and Wm. H. Tibbs, of the county of Bradley; R. C. McCree, John French and C. D. Luttrell, of the county of Hamilton; G. Cannon; and C. W. Coffin, of the county of Marion; R. P. Loyd and James A. Tullas, of the county of Bledsod; B. F. Staples and M. Stephens, of the county of Morgan; John L. Smith, of the county of Scott; A. E. Smith and Wm. Robertson of the county of Cocke; he, and they are hereby appointed commissioners, any five of whom may act, who shall open books and receive subscriptions for the capital stock of said Bank of Frankland, at any time or times they may select, from the date of this act to the first day of January, 1864. The subscribers at the time of their subscription shall pay ten dollars on each share of one hundred dollars so subscribed for, and afterwards such instalments as may be fixed by the commissioners, or board of directors of said Bank.

Directors.

SEC. 13. *Be it further enacted*, That the affairs of said Bank shall be conducted by nine directors, who shall elect one of their number as president thereof, and five directors, of which the president, or his representative, duly appointed, being one, shall form a quorum to transact all the business of the Bank. Ordinary discounts may be done by the president and three directors, and in case of sickness or necessary absence, the place of president may be supplied by any other director, whom he, in writing, may nominate for that purpose, or in case of his not making such nomination, the board may appoint a president *pro tempore*.

Capital Stock.

SEC. 14. *Be it further enacted*, That the capital stock of said Bank of Frankland, shall be one million of dollars, but may be extended to two millions, by a vote of the stockholders; and said Bank of Frankland is hereby authorized

to commence the business of banking with a paid in capital stock of three hundred thousand dollars, and upon the certificate of the "Supervisor of Banks," of a compliance with this section, said Bank of Frankland may commence business as contemplated in this act, and continue the same as hereby chartered for the period of fifteen years from the date of said certificate.

SEC. 15. *Be it further enacted*, That the commissioners appointed by this act, shall open books for subscriptions to the capital stock of the Bank of Frankland at each of the county towns of East Tennessee, and keep the same open for the space of sixty days; and that they shall publish in all the newspapers of East Tennessee an advertisement of the time and place of opening the books, accompanying which advertisement, shall be a copy of this act. If more than the capital stock be subscribed, then the subscriptions shall be scaled to bring them within the amount; and within the sixty days, if the capital stock be not subscribed, then the books are to remain open until the subscription is made: *Provided*, that no one person shall subscribe for more than fifty thousand dollars.

Books.

How "to be opened."

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 1, 1860.

CHAPTER 109.

AN ACT to incorporate the Society of Ohara Emes.

WHEREAS, By the constitution of this State, all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; and, *whereas*, certain of the Jews of Nashville, in Davidson county, desire to purchase a burial ground for their dead, and erect a synagogue in order that they may the more quietly, securely and fully enjoy the inestimable blessings of such right; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That L. Powers, Samuel Cohen, A. Klein, Samuel Powers, H. Spritz, S. Levick, A. Iser, H. H. Goldberg, together with all other Israelites who shall apply to become members, and be accepted in accor-

dance with the rules and regulations of the society, and their successors, be, and they are hereby declared to be a body corporate and politic, under the name of "Ohara Emes" (Lovers of Truth); and under this name shall have the power and right in law to hold and own real and personal property of any nature whatever, whether the same is acquired by purchase, gift, or otherwise, to the amount and value at any one time not exceeding one hundred thousand dollars; and also the power and right in law to sell, exchange or mortgage any property so acquired, to sue and be sued, to plead and be impleaded, answer and be answered unto, in all suits and actions, whether in law or equity; to make by-laws, rules and regulations for the government of the congregation, and enforce the same: *Provided*, That the by-laws, rules and regulations so made are contrary neither to the constitution or laws of the United States or of this State.

SEC. 2. *Be it enacted*, That said congregation may have and use a common seal, and the same break, alter or renew at pleasure.

SEC. 3. *Be it enacted*, That the funds and property of the congregation shall not be employed in banking; but shall be appropriated to the purchase of a burial ground, in the purchase of ground for the erection of temples and synagogues, and in beautifying the same; the erection and construction of such temples and synagogues, and in the purchase of furniture, utensils, books, and other things necessary and appropriate for the same; in the purchase of grounds, and the erection thereon of school houses for the instruction of Israelites, and the purchase of books, furniture, &c., for the same; in relieving the unfortunate; in salaries to the pastor, reader or readers, teacher or teachers, and all other persons who may be employed by the congregation for congregational service; and in the purchase of all other things and property, of every nature whatever, necessary and proper to carry out fully and fairly the provisions of this act: *Provided*, That said corporators shall have been actual citizens, or have filed a declaration of their intention to become citizens of the United States, and residents of the State of Tennessee for the period of one year.

SEC. 4. *Be it enacted*, That this act take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 12, 1860.

CHAPTER 110.

AN ACT to change the name of Louisa Texas Lowe, of Hamilton county, Tennessee, to that of Louisa Texas McCaleb.

WHEREAS, It has been made apparent to this General Assembly, that Louisa Texas Lowe, of Hamilton county, is a natural born child of Charles C. McCaleb, of Hamilton county; and that said Charles C. McCaleb has petitioned this General Assembly to change the name of said Louisa Texas Lowe to that of Louisa Texas McCaleb, and to legitimate her in the same way and manner and to the same extent, as if she were born in lawful wedlock;

SECTION 1. *Be it therefore enacted by the General Assembly of the State of Tennessee*, That the name of said Louisa Texas Lowe be changed to that of Louisa Texas McCaleb; and that she be invested with all the rights, powers and capacities to inherit real and personal estate descending from or transmitted through the said Charles C. McCaleb, as though she had been born in lawful wedlock.

Louisa Texas McCaleb.

SEC. 2. *Be it further enacted*, That the names of George Emil Bannerkiller and Herman Henry Bannerkiller, be changed to George Emil Wilkin and Herman Henry Wilkin.

Bannerkiller.

SEC. 3. *Be it further enacted*, That Lycurgus Gipson, who is the son of Levicy Sigmores on the maternal side, and the illegitimate son of John M. Gipson, of Jackson county, on the paternal side, be, and he is hereby declared the legitimate son of the aforesaid John M. Gipson, as same in all respects as if he had been born unto him in lawful wedlock; and that all the privileges and domestic relations between parent and child are hereby conferred upon the said Lycurgus as between him and the said John M.; and he, the said Lycurgus, is hereby invested with all the mutual rights pertaining to the relations of parent and child, and especially that of inheritance and succession; and, unless otherwise ordered by the last will and testament of said John M., the said Lycurgus shall be entitled to such interest in the property or estate of said John M. as if he had been born unto him in lawful wedlock, as aforesaid.

Lycurgus Gipson.

SEC. 4. *Be it further enacted by the authority aforesaid*, That the name of James A. Davis, an orphan child, be changed to James A. Baker, and by this act is declared the adopted son of James Baker, Esq., of McMinn county, Tennessee, with all the rights of a legitimate child.

James A. Baker.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 12, 1860.

CHAPTER 111.

AN ACT to defray the expenses of the Circuit Court of Obion county, west of Reelfoot Lake, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the County Court of Obion county, at its first quarterly term after the passage of this act, are hereby authorized and required to appoint three commissioners, of the citizens of that part of Obion county west of Reelfoot Lake, whose duty it shall be to project and draft a plan for a court house and jail, to contract and build the same, under the rules and restrictions by law of other public buildings.

SEC. 2. *Be it further enacted*, That the court house and jail shall be built on the ground so selected by the qualified voters, as prescribed by law.

SEC. 3. *Be it further enacted*, That the County Court may, from time to time, make such other appropriation as they may deem advisable for that part of said county.

SEC. 4. *Be it further enacted*, That it shall be the duty of the County Court Clerk of Obion county to appoint a Deputy County Court Clerk, who shall reside west of Reelfoot Lake, in said county, whose official acts shall be as binding as if done by the principal Clerk; who shall have power to receive and take probate of deeds and other conveyances, to issue license for marriages and for privileges, and to collect taxes from boats engaged in trade, and from pedlars, &c.; and who shall give bond similar to that required of his principal, for the faithful discharge of his duties.

SEC. 5. *Be it enacted*, That this act take effect from and after its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate

Passed, March 12, 1860.

CHAPTER 112.

AN ACT to declare Tuscumbia river, in McNairy county, navigable from its mouth to the State line, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Tuscumbia river, in the county of McNairy, be, and the same is hereby declared navigable from its mouth to the State line between Tennessee and Mississippi, and that the citizens living on or near said stream be, and they are hereby authorized to remove such obstructions out of said stream as tend to impede the navigation of the same.

SEC. 2. *Be it further enacted,* That any person or persons who may place obstructions in said stream so as to interfere with the navigation of the same, shall be subject to the fines and penalties now imposed under existing laws regulating the navigable streams in this State.

SEC. 3. *Be it further enacted,* That it shall be lawful for persons interested in the navigation of said stream to remove any obstruction to its navigation upon compensating the owners of the lands for any damages resulting therefrom.

SEC. 4. *Be it further enacted,* That the 6th section of chapter 65, of an act passed 16th February, 1858, in relation to the navigation of Red river, be, and is hereby repealed, but this act shall not interfere with the several bridges on said river. Navigation of
Red river.

SEC. 5. *Be it further enacted,* That all laws declaring the South Fork of Obion river navigable above what is known as the old warehouse, or Kitchum's steam saw mill, in Carroll county, be, and the same is hereby repealed. Obion river.

SEC. 6. *Be it further enacted,* That nothing in this act shall be so construed as to effect the rights of the Memphis and Charleston Railroad, or to give power to interfere with its bridges across Tuscumbia river. Memphis and
Charleston Rail-
road.

SEC. 7. *Be it further enacted,* That this act take effect from the date of its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, March 12, 1860.

CHAPTER 113.

AN ACT for the relief of Major H. Hancock, Sheriff of Polk county, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Comptroller of the State be, and he is hereby authorized and required to issue his warrant on the Treasury in favor of Major H. Hancock, sheriff of Polk county, for the sum of thirty two dollars and ninety-one cents on account of moneys paid by the said M. H. Hancock, sheriff as aforesaid, through mistake as the tax assessed on the school land section, in the Ducktown District of said county of Polk.

Taxes of Lewis
county.

SEC. 2. *Be it further enacted*, That the State taxes due the State of Tennessee, from Andrew Johnson, late sheriff of Lewis county, and his securities, be, and the same are hereby transferred and released to said county of Lewis, with full power and authority to the County Court of said county, to compromise, receive and receipt said claims as they may think proper for the benefit of said county.

William War-
ner's securities.

SEC. 3. *Be it further enacted*, That it shall, and may be lawful for each of the securities of William Warner, late sheriff of Campbell county, to execute his promissory note with good and sufficient security, under the supervision of the Attorney General of the district in which the said county is situated, to be approved by the Circuit Court Clerk of Campbell county, for such portion of the State taxes due from the said William Warner, late sheriff of Campbell county, for the year 1857, as will be his equal proportion of the amount for which he is bound jointly with the other securities of said sheriff, for said year, which note shall be made payable two years after bearing interest from date, and shall be made payable to the Clerk of the Circuit Court of said county of Campbell, or his successors in office for the use of the State of Tennessee, and shall be collected by said clerk when due, and the proceeds accounted for by him as other public moneys; *Provided*, Nothing in this act contained shall be so construed as to release any one of said securities until notes with good and sufficient security as aforesaid, covering the whole amount of said liabilities for the year 1857, as aforesaid, shall have been executed as above set forth and required, then the said securities shall be released from all liability on said account, other than that accruing out of said notes, and if the Attorney General of the district has heretofore obtained any judgment against said securities of said Sheriff, as by law he is

required to do, or if he has taken any steps to obtain judgment as aforesaid, he is hereby authorized and required upon the execution of said notes as aforesaid, to satisfy said judgment or to discontinue and dismiss said proceedings upon the payment of said securities of all costs that may have heretofore accrued in said cause.

SEC. 4. *Be it further enacted*, That the securities of the Clerk of the Circuit Court of the county of Campbell, shall be bound for the faithful application of such moneys as may be by him collected, under the authority and provisions of this act. Campbell county.

SEC. 5. *Be it further enacted*, That Spencer Henry, late tax collector for Blount county, be, and he is hereby allowed the further time of two years each to collect the Railroad tax for Blount county, for the years 1855 and 1856. Blount county
Tax Collector.

SEC. 6. *Be it further enacted*, That a forfeiture heretofore taken against John B. Rogers, as the appearance bail of Bethel Odel, on a charge of petit larceny, in the Circuit Court of Warren county, Tennessee, be, and the same shall be set aside on the payment of the costs of the forfeiture. John B. Rogers.

SEC. 7. *Be further it enacted*, That this act shall take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN.

Speaker of the Senate.

Passed, March 12, 1860.

CHAPTER 114.

AN ACT to change the manner of keeping up the public roads in the counties of Henry, Carter, Johnson, Greene, Obion, Robertson, Meigs, McMinn, Monroe, Polk, Cheatham, Washington and Cannon.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this act, the County Courts of said counties shall classify the public roads in said counties into first, second and third classes, and to assess the tax upon the property and polls of said counties, to be applied to the keeping up and repairing said public roads under the direction of the County Court of said county: *Provided*, That the sheriffs of said counties above named, give public notice of this act at all the pre-

cinets within said counties, thirty days prior to the next March election of county officers hereafter to be holden, and if a majority of all the voters voting for county officers shall vote for the assessment of said tax, it shall be the law within said counties, until repealed by the General Assembly, or revoked by the vote of the people: *Provided*, The people may vote said tax or reject it at any regular election for county officers, upon thirty days notice having been given previous to said election: *Provided*, That the first election shall be taken on the first Tuesday in November next, and the tax, if voted, layed by the County Court, at their January term, 1861. Those voting for the tax shall write upon the back of their tickets the word "Tax," and those opposing the tax, "No Road Tax," upon the back of their tickets.

SEC. 2. *Be it enacted*, That the County Court may, if they deem it necessary, appoint a road commissioner to assist in classifying said roads and reporting thereon, who shall receive such compensation for his services as the Court may allow.

SEC. 3. *Be it enacted*. That in laying the tax, the County Court shall discriminate between property and polls at its own option.

SEC. 4. *Be it enacted*, That the tax payers of said counties shall be allowed to pay their road taxes in work at one dollar per day: *Provided*, They will do the work at the time directed by the undertakers of said road, and that they work eight hours per day. Their receipt for said work shall be good with the collector for the taxes.

Tax Collector. SEC. 5. *Be it enacted*, That the revenue collector of said counties shall be authorized to collect said road tax at the same time, and in the same manner, and under the same laws, which prescribe for the collection of the State and counties revenue; and that he shall be entitled to the same commissions upon the tax so collected as compensation for his services.

Duties of Collector. SEC. 6. *Be it enacted*, That the tax collector be required to give additional bond, with approved security for the payment of said road tax, in double the amount of said tax; which bond shall be made payable to the chairman of the County Court, and his successors in office, for the use of said public road in said counties, and that he be also required to pay over the tax collected at the end of each month, to the county trustee, and take a receipt for the same: *And, further*, That he be bound to make his annual settlement with the chairman of the County Court on or before the first day of January, in each and every year.

SEC. 7. *Be it enacted*, That said collector and his securities, for a failure to collect and pay over said road tax to the county trustee, within the time specified, shall be liable to all the pains and penalties to which said officers are subject for a failure to collect and pay over the State and county revenue.

SEC. 8. *Be it enacted*, That it shall be the duty of the County Court to levy or assess said road tax at the April term, after the voters may have voted said tax

SEC. 9. *Be it enacted*, That the County Court shall, at the October term, let out, or cause to be let out, for one year, either in sealed proposals, which proposal shall be received by the chairman of the County Court, from the first of April to the first of September, or at public auction, as said Court may deem most expedient, to the lowest bidder, in sections of not less than one, or more than twenty miles.

SEC. 10. *Be it enacted*, That undertakers, for the faithful performance of the work, shall be required to give bond and security in double of their bids or contracts, and for a failure to keep said roads in good traveling repair for wagons and carriages, shall forfeit said bond, and shall be liable to be moved against by the Attorney General in the Circuit Court, and shall be liable to indictment as overseers of public roads are now liable.

SEC. 11. *Be it enacted*, That the county trustees shall not be authorized to pay any of this fund, only by order of the County Court, and said Court shall issue no order to the trustee for the payment of the fund, only at quarterly sessions, and not then, only for work already performed, and that, in no case, the County Court shall authorize the payment of any undertaker while a motion is filed in the Circuit Court by the Attorney General against said undertaker for a failure to comply with the contract.

SEC. 12. *Be it enacted*, That the contractor shall have power to take timber to make and repair bridges, and make causeways on the lands adjoining the roads and bridges in the same manner as overseers of lands now have by law.

SEC. 13. *Be it enacted*, That all laws inconsistent with the provisions of this act, are hereby repealed, and that this act take effect from and after its passage.

SEC. 14. *Be it enacted*, That the County Court of Robertson county, a majority of the Justices of the Peace of
Robertson county.
of said county, being present, may at its April term, each and every year, levy a tax, to be known as a road tax, and which shall be applied to the repairing and keeping up the public roads of said county, under the direction of said Court, which Court may let out the repairing and keeping

up the said public roads in the same way and manner as provided for in the foregoing sections of this act, or in such other way and manner as they may think most advisable: *Provided*, That any taxes levied by said Court, either before or after having submitted the question of tax, or no tax to the voters of the county, and whether the voters of the county have voted the tax or not, shall be expended in repairing and keeping up the public roads in the civil districts, where levied and paid, and not outside of the limits of such district.

SEC. 15. *Be it enacted*, That section 1183 of the Code be so amended that the County Courts of Carroll county, in assigning hands to work roads of the first class, shall assign them to work the first class road nearest to said hands, or the owner of said hands.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 12, 1860.

CHAPTER 115.

AN ACT for the relief of Mrs. Anna Maria McNairy, Widow and Executrix of Boyd McNairy, deceased, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the judgment obtained in the name and for the benefit of the State of Tennessee, against the estate of the late Dr. Boyd McNairy, of Davidson county, as one of the sureties of John J. Hinton, formerly sheriff of Davidson county, be, and the same is hereby released.

WHEREAS, in compliance with an act of the last session of the Legislature of the State of Tennessee, passed March 20th, 1858, for the relief of the securities of Thomas Hamilton, late tax collector of Tipton county, the said securities, on the 4th day of December, 1858, executed notes to the Clerk of the Circuit Court, of said county, under the supervision of the district Attorney General, due in two years from that date, for the amount of State revenue claimed to be due by said Hamilton, for the year 1856; and whereas, the said Thomas Hamilton having assigned over and placed in the hands of said securities, sundry claims and effects,

The relief of
Thos. Hamilton.

from which a portion of their said liability will be secured and met, now for the further relief of said securities;

SEC. 2. *Be it further enacted*, That upon said securities or their legal representatives, or any one of them, at any time before said notes fall due, rendering, on oath, to the clerk of the Circuit Court, of said county of Tipton, or his successor in office, a full and correct statement of all claims, money or effects placed in their hands, or in the hands of any one of them, by said Hamilton, showing the full amount collected on said claims, or received from said Hamilton, and paying over said amount into the hands of said clerk, for the use of the State, then the said securities to be released from the payment of any balance that may be due on said notes, and the said clerk to deliver the said notes to the several parties who executed the same, and to pay out and account for the amount collected by him on said notes, as other public moneys: *Provided*, That the said John J. Hinton and Thomas Hamilton shall not be released from their liabilities to the State for failure to pay over the revenue.

SEC. 3. *Be it further enacted*, That if any tax collector shall hereafter wilfully fail and refuse to pay into the treasury of the State, the revenue which he has collected, he shall be guilty of a felony, and it shall be the duty of the Attorney General of the district in which such defaulting revenue collector may reside, to prosecute him for such offence, and upon conviction thereof, he shall be imprisoned in the State Penitentiary for a period of not less than five nor more twenty years. Tax Collector.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 10, 1860.

CHAPTER 116.

AN ACT directing the Chancellor of the Second Division of Tennessee to appoint a Clerk and Master at Chattanooga, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the act establishing the Chancery Court at Chattanooga, in Hamilton county, be so amended that it shall be, and it is hereby made the duty of the

Chancellor of said district, whose duty it is to hold said court, to appoint the Clerk and Master of said court; the first appointment to be made the first term of the court holden by said Chancellor after the passage of this act.

SEC. 2. *Be it enacted*, That such Clerk and Master, when so appointed, shall give bond and security, and be qualified in the same manner that other Clerks and Masters are required to do by existing laws, and shall have the same power to appoint a deputy.

SEC. 3. *Be it enacted*, That the regular terms of the law side of the Common Law and Chancery Court of the city of Memphis shall be held hereafter on the second Mondays of February, June and October; and of the chancery side of said court, on the second Mondays of May and November, in each year.

SEC. 4. *Be it enacted*, That this act shall be in force and take effect as to the chancery side of said court from and after the fourth Monday in May, next; and as to the law side of said court, from and after the first Monday in July next; and all process from the May term of the Chancery Court shall be returnable the second Monday in November; and from the July term of the Law Court, the second Monday in October; and from that time after, the court shall be held, and process in each respectively be returnable at the respective terms as prescribed by this act.

Chancery Courts
of DeKalb and
White counties.

SEC. 5. *Be it enacted*, That the time of holding the Chancery Courts for the counties of DeKalb and White be changed; and that hereafter the Chancery Court for the county of DeKalb shall be holden at Smithville on the third Mondays in March and September, in each year; and for the county of White, at Sparta, on the first Thursdays after the third Mondays in March and September, in each year: *Provided*, That the first terms of said Courts, upon the passage of this act, shall be held at the times now fixed by law.

W. C. WHITTHORNE,

Speaker of the House of Representatives

TAZ. W. NEWMAN,

Speaker of the Senate

Passed, March 12, 1860.

CHAPTER 117.

AN ACT for the relief of John Stewart, of Van Buren county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John Stewart, of the county of Van Buren, be, and he is hereby released and discharged from the payment of any balance of principal remaining on judgment or judgments rendered against him as surety bail for Nicholas G. Gillentine, in favor of the State of Tennessee, upon *scire facias*, in the Circuit Court of Hamilton county, Tennessee: *Provided, however*, This act shall only apply whenever all the costs in the principal case against the said Gillentine, and in the cases upon said *scire facias* shall have been paid and fully satisfied to the Clerk of said Circuit Court, or other person or persons entitled to receive the same.

SEC. 2. *Be it enacted*, That this act shall take effect upon its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, March 12, 1860.

CHAPTER 118.

AN ACT to charter the Tennessee Medical Benevolent Society.

WHEREAS, It sometimes happens that worthy members of the medical profession become reduced in circumstances: Therefore, for the relief of such especially, as become members of the Tennessee Medical Benevolent Society, or of their families, should they need assistance, and of such other members of the medical profession or their families as may be deemed by said society suitable objects of its beneficence:

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Dr. Frank A. Ramsey and Dr. John M. Boyd, of the county of Knox; Dr. J. W. King, of the county of Rutherford; Dr. James Sevier, of the county of Washington, and Dr. B. B. Lenoir, of the

county of Roane, and their associates, are hereby created a body politic and corporate, under the style of *The Tennessee Medical Benevolent Society*; and by that name may use a common seal, sue and be sued, own property, and enjoy generally all the powers and privileges of an incorporated body, except that of banking.

SEC. 2. *Be it further enacted*, That the society hereby chartered shall have power to sub-charter such auxiliary Medical Benevolent Societies as in the opinion of its members may be necessary to afford the greatest relief to the greatest number of individuals, citizens of Tennessee.

SEC. 3. *Be it further enacted*, That said Society shall be located in the city of Knoxville, Tennessee, and shall have existence for ninety-nine years.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 18, 1860.

CHAPTER 119.

AN ACT to incorporate the German Benevolent Society, of Memphis

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That F. L. Warner, Wm. Miller, John Hernich, and all who shall hereafter become members and officers of the benevolent association known by the name and style of "The German Mutual Benevolent Society of Memphis," in the city of Memphis, and county of Shelby, be, and they are hereby constituted a body politic and corporate, under the name and style aforesaid; with full powers in their said corporate capacity to sue and be sued, plead and be impleaded, purchase and hold personal and real property, stock and incorporeal hereditaments, and may dispose of the same in such manner as the said association may deem most expedient.

SEC. 2. *Be it further enacted*; That the said "German Mutual Benevolent Society" may use a common seal, and change the same at pleasure; and enact, from time to time, such by-laws and regulations as may be required for the good order and government of said Society, not inconsistent with the Constitution of the United States or of the State

of Tennessee; and do and perform all other acts for their benefit not inconsistent with the privileges herein granted.

SEC. 3. *Be it further enacted*, That this act take effect from and after its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, March 13, 1860.

CHAPTER 120.

AN ACT to establish a Branch of the Ocoee Bank, at Jonesboro'.

Be it enacted by the General Assembly of the State of Tennessee, That the Ocoee Bank, be, and is hereby authorized to establish a Branch of their bank at Jonesboro', and on putting into operation said branch bank, their power to establish a branch at one of the other places to be designated by said bank, where they are now authorized by law to establish a branch, shall cease.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, March 14, 1860.

CHAPTER 121.

AN ACT for the benefit of the citizens of DeKalb county.

Be it enacted by the General Assembly of the State of Tennessee, That so much of the act of 1858, chapter 129, section 8, as requires a certain portion of the citizens of DeKalb county to list and pay tax in the county of Putnam, be, and the same is hereby repealed. This act to take effect from and after its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, March 18, 1860.

CHAPTER 122.

AN ACT for the relief of James Jones, Sheriff of Greene county.

WHEREAS, James Jones, sheriff of Greene county, failed to pay over the State tax of Greene county, for the year 1857, at the time fixed by law; and at the June term, 1859, of the Circuit Court of Greene county, judgment was entered up against him for five thousand four hundred and sixty-five dollars and forty-three cents, that being the amount of the State tax, and for three hundred dollars and fifty-nine cents, the lawful interest thereon: *and whereas*, judgment was also rendered against him for six hundred and eighty-three dollars and seventeen cents, as damages, and the said James Jones having satisfied said payment of \$5,465 43, State tax, and \$300 59, interest thereon; therefore,

Be it enacted by the General Assembly of the State of Tennessee, That the State of Tennessee releases the said James Jones from the payment of the said judgment for six hundred and eighty-three dollars and seventeen cents, the damages aforesaid.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 13, 1860.

CHAPTER 123.

AN ACT to improve the navigation of Obeds river, in Fentress county, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That there be appropriated out of the Treasury of the State, twelve hundred dollars for the improvement of the navigation of Obeds river, in Fentress county, from the county line of said county up to the mouth of Pincey creek, and there is also appropriated, twenty hundred dollars for the improvement of Obeds river and the west fork thereof, in Overton county, five hundred dollars to be expended on the west fork.

SEC. 2. *Be it further enacted*, That David Beaty, (tinker), Thomas Beaty and Jacob Wright, of Fentress county, be

appointed commissioners, any two of them shall be competent to act, whose duty it shall be to superintend the improvement hereby contemplated, and in making such improvement they shall remove such obstructions as are necessary to make said river navigable at all times of the year; and that Mathew Davis, jr., William Dale, John F. Jewitt, James Grimsby, and R. N. Coffee, of Overton county, are appointed commissioners on the improvement in Overton county, with the same powers as conferred on the Beatys, and Jacob Wright, commissioners of Fentress county, in regard to the improvement in Fentress county, any three of whom may act. Commissioners.

SEC. 3. *Be it further enacted*, That upon application of said commissioners in person or by written order to the Comptroller of this State, he shall issue his warrant to the Treasurer for such sums of money as may be necessary to complete said work: *Provided*, Said sums of money shall not exceed twelve hundred dollars for Fentress county, and two thousand dollars for the improvement of Obed's river, in Overton county, and their receipt shall be a good voucher for him in the settlement of his accounts.

SEC. 4. *Be it further enacted*, That the County Court of Fentress county shall have power to fill any vacancy occasioned by death, resignation, or refusal to act, of any of the commissioners hereby appointed, and the same powers are conferred upon the County Court of Overton, in regard to the commissioners in said county.

SEC. 5. *Be it further enacted*, That said commissioners, before they shall be allowed to receive any of the money herein appropriated, shall execute bond with two or more good securities, to be approved by the County Court of Fentress county, payable to the chairman of said court, in double the amount of said sums of money herein appropriated, for the faithful performance of their duties as commissioners, and for any violation of their duties, or misappropriation of said money or any part thereof, they shall be liable to an action on the bond.

SEC. 6. *Be it further enacted*, That before the Comptroller shall issue his warrant as provided for in section third of this act, the commissioners shall produce to him a certificate from the county clerk of Fentress county, that they have executed bond as required in the fifth section of this act.

SEC. 7. *Be it further enacted*, That said commissioners shall receive one dollar and fifty cents each, out of the money herein appropriated, for every day they shall be actually engaged in the performance of their duties as commissioners, and they are hereby required to report to the Compensation.

July and October terms of the County Court of Fentress county, the amount of money received, and the name and number of hands employed, and the amount paid each per day.

SEC. 8. *Be it further enacted*, That the commissioners appointed in Overton county shall execute a bond to the chairman of the Overton County Court, on the same conditions as required of the Fentress county commissioners by section five, and shall produce the certificate of the Clerk of the Overton County Court, as required of the Fentress commissioners by section 6, and they shall be entitled to the same pay as allowed in section 7, of this act, and shall report at the same time as set forth in said section to the Overton County Court.

Caney Fork

SEC. 9. *Be it further enacted*, That there shall be appropriated out of the State Treasury, one thousand dollars, to be applied to the use of cleaning out the Caney Fork river.

SEC. 10. *Be it further enacted*, That this act shall take effect from and after its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.
TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, March 14, 1860.

CHAPTER 124.

AN ACT to incorporate Ingomar Lodge, of the city of Memphis.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the officers and members, and all who shall hereafter become and continue officers and members of the benevolent association known by the name and style of "Ingomar Lodge, No. 1, of the Independent Order of the Sons of Malta," in the city of Memphis, and county of Shelby, be, and they are hereby constituted a body politic and corporate, under the name and style aforesaid, with full powers in their said corporate capacity to sue and be sued, plead and be impleaded, purchase and hold personal and real estate, stock and incorporeal hereditaments, and may dispose of the same in such manner as the said Ingomar Lodge may deem most expedient.

SEC. 2. *Be it further enacted*, That the said Ingomar Lodge may use a common seal and change the same at pleasure, and establish from time to time such by-laws and regulations as may be required for the good order of said Lodge, not inconsistent with the Constitution of the United States or of the State of Tennessee; and do and perform all other acts for their benefit, not inconsistent with the privileges herein granted.

SEC. 3. *Be it further enacted*, That this act take effect from and after its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.
 TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, March 18, 1860.

CHAPTER 125.

AN ACT to change the time of holding the Circuit Court of Union county, and to change the time of holding the Circuit Court of the county of Lauderdale, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Circuit Court of Union county be changed from the second Mondays of February, June and October, to be held on the first Mondays after the fourth Mondays of January, May and September.

SEC. 2. *Be it further enacted*, That the next Circuit Court to be holden for the county of Union, shall be holden as heretofore provided by law.

SEC. 3. *Be it further enacted*, That after the sitting of the Circuit Court, of said county of Union, as provided in the second section of this act, it shall be the duty of the Clerk of the Circuit Court, and sheriff, and other officers of said county of Union to make all the capiases, bonds and other process returnable to the Circuit Court, as provided in the first section of this act.

SEC. 4. *Be it further enacted*, That the time of holding the Circuit Court for the county of Lauderdale be changed, and said court shall hereafter be held on the second Mondays in March, July and November, and that this law is not to apply until the second Monday in July, next.

Circuit Court of
 Lauderdale Co.

SEC. 5. *Be it further enacted*, That all process returnable to the March term, 1860, of the Chancery Court at Harrison, be, and the same is hereby made returnable to the June term, 1860, being the first term to be holden

Chancery Court
 at Harrison.

by said court, by an act passed at the present session, and that all process returned to the March term, shall be regarded as returnable to the June term; this section to take effect from its passage.

Circuit Court of
Giles county.

SEC 6. *Be it enacted*, That there shall be only two terms of the Circuit Court for the county of Giles per year, which shall be held the first Mondays in May and November, of each year, that all causes shall stand for trial at the first term of the court: *Provided*, The process is issued more than twenty day before the beginning of the term.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 13, 1860.

CHAPTER 126.

AN ACT to charter the State Female College in Shelby County, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Samuel Watson, A. J. Montgomery, Edward McGehee, L. L. Tate, W. W. McAnnally, Archibald Wright, Wm. B. Hamlin, Newton Ford, J. M. Bonne, J. D. Williams, Wylie B. Miller, Joseph Lenow, Miles Owen, Robertson Topp, Samuel Tate, Eli Rayner, F. M. White, Barnett Graham, S. F. McNutt, W. A. Woodridge, J. F. Cummings, and Wm. K. Poston, be, and they are hereby constituted a body politic and corporate, under the style of the State Female College, and shall have succession for ninety-nine years, and a common seal; may buy, receive, possess, hold and dispose of any property, real or personal, for the use and benefit of said institution; and may sue and be sued, in any court of record in the State, or before any jurisdiction therein.

SEC. 2. *Be it further enacted*, That five of said persons herein above named, and who are hereby constituted the trustees of said college, shall constitute a quorum; said trustees shall have full power to establish such departments in the institution as may be useful, and to elect such officers, professors and teachers as they may deem necessary; and also, to make such by-laws and regulations not inconsistent with the constitution and laws of the State, as may be by them considered necessary.

SEC. 3. *Be it further enacted*, That upon the death, resignation or removal of any of the trustees, the vacancy occasioned thereby, may be filled by the remaining trustees, or a quorum of them.

SEC. 4. *Be it further enacted*, That the trustees may meet upon their own call or that of their president, and may, upon the recommendation of the professors and teachers, or at their own instance, confer upon student in the institution, or any proper person or persons, any degree or honor, that is known and used in any like institution in the United States.

SEC. 5. *Be it further enacted*, That no misnomer or misdescription of said corporation in any deed, will, gift, grant, devise or other instrument of contract or conveyance shall vitiate the same, but that the same shall take effect in like manner as if the corporation were rightly named: *Provided*, It be sufficiently described to ascertain the intent of the parties.

SEC. 6. *Be it further enacted*, That Geo. F. Akers, Jo. H. Vanleer, Charles G. Jones, R. J. Walton, Thomas C. Wright, J. A. Pigue, George H. Thayer, George Lee, Felix W. Abby, Thomas Gibson, Frank W. Green, Fred. A. Shepard, G. W. Fall, W. H. Warren, Sam. J. Keith, S. Kirkpatrick, H. C. Shepard, G. W. H. Butler, F. B. Lanier, James Eakin, S. McClure, Henry O. Johnson, Thos. B. Eastland, John Patterson, J. T. Wheless, David Humphrey, Wm. H. Morrow, H. Hill McAllister, Randal M. Weber, Dixon A. Allison, Jo. Vaulx, H. J. Jones, J. H. Farrar, Ed. J. Hicks, W. W. Bayless, Jno. M. Pearl, Jno. R. Gilkerson, Wm. Keenan, Fred. Terrass, Thomas C. Coleman, St. Clair M. Morgan, W. F. Erskine, E. P. Edwards and W. W. Morris, and their associates and successors, be, and the same are hereby constituted a body politic and corporate by the name and style of the "Young Men's Mercantile Library Association of Nashville," for the purpose of promoting the moral, intellectual and professional culture of the young men of Nashville, and shall have succession for ninety-nine years.

Young Men's
Mercantile Li-
brary Associa-
tion of Nashville

SEC. 7. *Be it further enacted*, That said association shall have the right to sue and be sued by their corporate name in all courts of law and equity; shall have a common seal, and may change and alter the same at pleasure.

SEC. 8. *Be it further enacted*, That said association shall have the power to take personal property by purchase gift, grant, devise, or in any other manner; and to hold real estate to the extent that may be required for the use of the same: *Provided*, The same does not exceed one hundred thousand dollars.

SEC. 9. *Be it further enacted*, That said association shall have power to adopt such constitution and by-laws as it may think proper and necessary for the government thereof, and for effecting the object for which it is formed: *Provided*, The same be not inconsistent with the constitution and laws of the United States, or the State of Tennessee.

SEC. 10. *Be it further enacted*, That said association shall have power to elect such officers as shall be prescribed by such constitution, as may have been adopted in conformity to section eighth of this act; and that such officers so elected, shall be styled the board of directors, and shall hold their offices for the term of one year, and until their successors shall have been elected and installed, but that no failure to elect such officers annually shall work a forfeiture of this charter.

Brentwood Male
and Female In-
stitute.

SEC. 11. *Be it further enacted*, That Thomas Holt, Major C. P. Sneed, Thos. J. Moulton, D. P. Scales, James C. Owen, Henry Edmondson, Rufus Waller, Hon. Wm. Ewing, of Franklin, William G. Hill, James H. M. Hale, and Hon. Andrew Ewing, of Nashville, be, and they are hereby constituted a body politic and corporate, by the name and style of the trustees of Brentwood Male and Female Institute, and by that name be capable of suing and being sued in any of the courts of law and equity in this State.

SEC. 12. *Be it further enacted*, That said board of trustees, as such corporation, shall have power to appoint all such agents, teachers and professors as they may think proper, and to choose their successors at pleasure. That such corporation shall have a corporate seal, changeable at the pleasure of the corporation; and that six trustees shall constitute a quorum for the transaction of all business relating to the same; and that by the name and style of "Brentwood Institute," said corporation shall continue its existence for the term of ninety-nine years, by succession or otherwise.

SEC. 13. *Be it further enacted*, That said board of trustees, as aforesaid, shall have the power to prescribe the course of studies and discipline of said institution, and that they, together with such teachers and professors as they may select and employ, and shall constitute the faculty of Brentwood Male and Female Institute, with all such powers and privileges as belong to similar institutions of this State.

SEC. 14. *Be it further enacted*, That the said trustees and faculty, at each annual examination, shall publish a report of the condition, and professors of the institution,

with the number and names of the students, and all such information as may seem conducive to the interest of the institution, and desirable to its patrons, and profitable to its students.

SEC. 15. *Be it further enacted*, That the trustees and faculty aforesaid, shall have full power and authority to confer such degrees and literary honors as are usually conferred in literary institutions, and to give diplomas under the hands of such trustees and teachers, under the seal of the institution.

SEC. 16. *Be it further enacted*, That said corporation may have and hold by purchase, donation, will, gift, or otherwise, real and personal estate, property and effects to any amount.

SEC. 19. *Be it further enacted*, That this act take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 13, 1860.

CHAPTER 127.

AN ACT to amend the charter of the Taylorsville Turnpike Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the charter of the Taylorsville Turnpike Company be, and is hereby so amended as that said road shall only be ten feet wide from the toll-gate on the south fork of Roanes Creek to the North Carolina line, and from the toll-gate on the Tunnel fork of Holston to the Virginia line; and that the remainder of said road shall be as required by the original charter.

SEC. 2. *Be it further enacted*, That said turnpike company may open and erect an arm, as heretofore provided by law, to their road from some point at or near Shane's Cross roads, to the top of Stone Mountain; and that said road shall only be ten feet wide, but shall, in all other respects be as required in the original charter; and that said company shall have power to locate said road either upon the old route, up the Forge creek, or Hammon's gap; and

shall receive one half of the toll that they are allowed to receive upon their main or original road.

Winchester and
Marble Hill
Turnpike Co.

SEC. 3. *Be it further enacted*, That John W. Scyler, Dr. Thomas Murrell, Allen Johnson, L. N. Simpson, E. C. Hill, jr., Wm. E. Murrell, S. M. Woodard, George Simmons, Ashton Butterworth, Benj. Franklin, sr., and Michael Tipps, sr., be, and they are hereby constituted a body politic and corporate, by the name and style of the Winchester and Marble Hill Turnpike Company, with power to all or any one of them to open books at such times and places as they may choose, for subscriptions of stock for the purpose of building a turnpike road, either graded or McAdamized, as they may deem most advisable, to run from Winchester in Franklin county, to Marble Hill, on the line between Franklin and Lincoln counties; and be extended to the pike leading from Fayetteville to Lynchburg in said county of Lincoln, as soon as said county of Lincoln will raise a fund sufficient to build the part in their county.

SEC. 4. *Be it further enacted*, That the capital stock of said company shall be sufficient to complete said road, not to exceed forty thousand dollars, to be divided into shares of twenty-five dollars each.

SEC. 5. *Be it further enacted*, That the counties of Franklin and Lincoln, through the County Court of either, or any incorporated town, through their mayor and aldermen, may aid in the construction of said road by subscribing for stock in said company, in any manner they may deem most expedient.

SEC. 6. *Be it further enacted*, That so soon as ten thousand dollars of the said stock of said road shall be subscribed, any five or more of the directors aforesaid may call a meeting of the stockholders at the court house at Winchester, or any other convenient place; and at said meeting the stockholders shall proceed to elect eleven directors, who shall take the place of those named in this charter, and who may elect a president out of their number, and such other officers as may be necessary.

SEC. 7. *Be it further enacted*, That said president and directors may, in such manner as they think best, solicit and procure additional subscriptions for stock; and shall, either by themselves or some competent person appointed by them, mark, lay out and locate said road; and the laying out and building said road on a public highway, shall be regarded as a surrender or abandonment of the latter, and no other highway shall be opened running parallel to said turnpike so as to injure the same.

SEC. 8. *Be it further enacted*, That the president and

directors shall have power, at any time after ten thousand dollars are subscribed, to let out and put under contract the said road, or any portion of it, in parcels great or small, to contractors, as they may think best.

SEC. 9. *Be it further enacted*, That said president and directors shall cause said road to be graded at least eighteen feet wide, with ditches on either side where necessary, and graveled or McAdamized; the whole to be so completed as to make a good, smooth and firm road of not more than six degrees.

SEC. 10. *Be it further enacted*, That said president and directors, upon the completion of five miles of said road on either end, may erect a toll-gate, and at the completion of every other five miles, a gate may be erected; but if the last section is as much as three and one half miles, but not as much as five, a gate may be erected on that; and the toll on said road shall be the same as that fixed for the Sewanee Turnpike Company, chartered at the present session. Rates of Toll.

SEC. 11. *Be it further enacted*, That said president and directors shall be required to make good bridges or culverts across all running streams on said road.

SEC. 12. *Be it further enacted*, That a majority of directors shall always constitute a quorum for the transaction of business; and a majority of the stockholders in interest and numbers shall constitute a quorum for the election of the first directors which are to be elected, and for the transaction of all business at that meeting; and the directors so elected shall hold their office for one year, and until their successors are elected; and at all subsequent elections a majority of those voting shall control the election.

SEC. 13. *Be it further enacted*, That the right of way may be obtained in the same way and under the same regulations that the right of way is obtained for the Nashville and Chattanooga railroad, except that if application for damages is not made in one year after the completion of that part of the road, the claim shall be regarded as abandoned.

SEC. 14. *Be it further enacted*, That the stock of said company shall be divided into shares of twenty-five dollars, and one share shall entitle the owner to one vote in all elections, and in all matters to be determined by the stockholders; and should a county subscribe stock, the Chairman of the County Court shall represent said stock; and should any incorporated town subscribe stock, the mayor shall in all elections represent the same.

SEC. 15. *Be it further enacted*, That John S. Prichard, Silas Linton, Thomas J. Allison, and Robert Bond, of Davidson, Thomas N. Whitfield, Richard L. Berry, of Cheatham county, William Givens, George W. Givens, Winfield Knight and Isaac Joy, of Williamson, be, and they are hereby appointed commissioners to open books and receive subscriptions for stock in shares of twenty-five dollars, to be paid in labor or money, for the purpose of building a turnpike road, leading from a point at or near the mill of Thomas J. Allison, on South Harpeth, on the Centreville road, to a point at or near Sam Smith's springs, in Williamson county; said road to be constructed as a second class turnpike road, either graded, graveled or McAdamized, as the stockholders may determine, with the privilege of one gate, and with the privilege of bridging South Harpeth or not. The gate to be erected within one and a half miles of the commencement of said road; that whenever a sufficiency of stock is subscribed in the opinion of a majority of the commissioners herein appointed, to justify the commencement of said road, then they may call the stockholders together, who may elect one of their number president, and also select a treasurer and secretary, and otherwise regularly organize; that the board of directors so elected shall receive further subscription of stock, and do all other things necessary to the completion of their road.

Sam Smith's
Springs Turn-
pike Company.

SEC. 16. *Be it further enacted*, That the persons who may become stockholders in said road, are hereby incorporated under the name and style of the "Sam Smith's Springs Turnpike Company," and as such shall have succession for a period of ninety-nine years, and shall have all the rights, privileges and powers, and be subject to the same restrictions of the Hardin pike, by whatever name known, and otherwise subject to and controlled by the provisions of the Code. The commissioners shall have their first meeting at Thomas N. Whitfield, all other meetings to be held when a majority may determine.

SEC. 17. *Be it further enacted*, That G. H. Warfield, Stephen Lyons, J. N. Baker, G. A. Harrel, and Wm. B. Killeburn, are authorized to receive subscriptions of stock in shares of twenty-five dollars each, to be paid in money or labor, for the purpose of building a turnpike road branching from the Clarksville and Russellville turnpike, and leading by or near the sulphur spring, and continuing in the direction of Port Royal, Montgomery county, and whenever a sufficient sum is subscribed to grade said road five miles, the subscribers of stock thereto are hereby incorporated with the name and style of the Sulphur Spring Turnpike, with all the rights, powers and privileges of the

Sulphur Spring
Turnpike.

Clarksville and Port Royal Turnpike Company. Should the said company not have sufficient subscription of stock to grade and McAdamize said road, it may grade said road for five miles, and erect a gate and charge one-half toll at same, until they procure means to McAdamize the same; and when they procure means they may extend said road to Port Royal, and erect a toll-gate for every five miles of said road.

SEC. 18. *Be it further enacted*, That such persons as have or shall subscribe for stock to build a McAdamized turnpike road from the Rome bridge, eastwardly, to the Carthage and Hartsville turnpike road, crossing the Cumberland river near James Rowland's, be, and they are hereby constituted a body corporate and politic, with the rights, powers and privileges as hereafter specified.

SEC. 19. *Be it further enacted*, That said corporation shall be known by the name of the Rome and Payne's Bend Turnpike Company, and by that name may sue and be sued, and have and exercise all the powers and privileges common to such companies.

Rome and
Payne's Bend
Turnpike Co.

SEC. 20. *Be it further enacted*, That said road shall commence at the eastern end of the bridge across Round Lick creek, near Rome, in Smith county, and run on the most practicable route through Payne's Bend, and across the Cumberland river, and intersect the Carthage and Hartsville turnpike road.

SEC. 21. *Be it further enacted*, That as soon as there shall be five subscribers for stock, citizens of this State, and an aggregate subscription of five hundred dollars per mile for the length of said road, they may meet and organize, and proceed to carry out the objects of this incorporation.

SEC. 22. *Be it further enacted*, That a share shall be twenty-five dollars, and each stockholder shall have one vote for each share.

SEC. 23. *Be it further enacted*, That they shall and may elect a board of directors, who shall elect and appoint such officers, agents and servants as they may deem proper, and the board of directors shall hold office for one year and until the election of their successors.

SEC. 24. *Be it further enacted*, That said company shall have power to take land of individuals, for the right of way, not exceeding fifty feet in width, and ground necessary for gates and toll-houses, in the mode prescribed in the chapter of the Code, for taking private property for works of Internal Improvements.

SEC. 25. *Be it further enacted*, That said company shall commence the construction of said road in one year, and

shall finish the same in four years, and shall have existence for ninety-nine years from this date.

SEC. 26. *Be it further enacted*, That said company shall be entitled to one toll-gate for every five miles of road, and shall keep up a ferry across Cumberland river, at the point where the road crosses, and shall have the right to charge and collect the same ferryage as other ferries in Smith county, and may purchase and hold land sufficient for toll-gates and a ferry house, not exceeding ten acres at each gate and at the ferry.

SEC. 27. *Be it further enacted*, That the board of directors may prescribe the amount of each instalment, and the times of calling the same.

SEC. 28. *Be it further enacted*, That should any stockholder fail to pay any call or calls, his stock, on thirty days notice, in writing, at the court house door, in Carthage, and at Rome and Dixon Springs, shall be sold by order of the board, the purchaser acquiring all the liabilities of the original stockholders; and if such stock should not bring the amount due, the original stockholder shall be liable to the company for the residue, to be recovered by action at law.

SEC. 29. *Be it further enacted*, That the company, if they deem best, may provide for the payment of stock in work on the road.

SEC. 30. *Be it further enacted*, That the road shall be bedded at least twenty-four feet wide, the first coat of stone or gravel, sixteen feet wide and six inches thick, the second of stone or gravel, at least eight feet wide and six inches thick, the stone of the last coat not to exceed one-half pound in weight, and the grade of the road shall not exceed an angle of five degrees with the horizon; and shall have sufficient ditches and culverts to drain off the water, and good bridges across streams, except the Cumberland river.

SEC. 31. *Be it further enacted*, That said company may purchase land for the purpose of supplying themselves with stone, gravel, dirt, wood or other material, or they may take such material necessary for the work along the line of the road, wherever convenient, in the method prescribed in the Code for taking land for purposes of internal improvement.

SEC. 32. *Be it further enacted*, That said company may demand and receive tolls at each gate as follows: For hogs or sheep per head, one cent; for cattle, or horses, or mules, in a drove, per head, two cents; for horses or mules not in a drove, nor employed in drawing, whether mounted or not, per head, five cents; for every loaded wagon, twenty-five cents; for buggies and barouches, and other similar two-horse carriages, fifteen cents; for other two-horse

Rates of toll.

pleasure carriages, twenty-five cents; for one-horse buggies, and other similar vehicles for conveyance of persons, ten cents; for other vehicles for the transportation of goods or produce, ten cents.

SEC. 33. *Be it further enacted*, That no toll shall be taken for persons passing from one part of their farm to another part; or for persons going to or returning from funeral or places of worship; or from election precincts, at which such persons are entitled to vote; or to, or from militia musters; or to, or from grist mills with grain for family use; or from persons traveling on foot, except persons crossing at the ferry, on foot, may be charged ferriage.

SEC. 34. *Be it further enacted*, That all the provisions of chapter seven, articles two and three of the Code shall apply to this company, for compelling said company to keep their road in good repair, and for throwing open the gates when out of repair, and for preventing extortion on the part of said company, as well as the mode of enforcing the rights of said company under their charter.

SEC. 35. *Be it further enacted*, That the following persons are hereby appointed commissioners to open books and receive subscriptions for stock in said company, viz: William W. Price, Roger Flippen, Geo. W. Catron, Robert Wroe, James Rowland, Oscar F. Ewing, and Ira B. Pumell.

SEC. 36. *Be it further enacted*, That persons who may have heretofore subscribed stock for building said road, shall be deemed and held stockholders in said company to the amount of their said subscriptions.

SEC. 37. *Be it further enacted*, That Wm. G. Claggett, S. J. George, G. W. Stanfield, J. R. Eason, L. P. Lotty, J. M. Baird, Z. Hassell, G. W. Brutton, N. C. Weems, W. Walker, B. Gordon, V. F. Bibb, J. G. Farkington, Jno. Reaves and G. Maberry, or any seven or more of them, are hereby appointed commissioners to open books to receive subscriptions for stock, for the purpose of building a turnpike road from Centreville, in Hickman county, to the city of Nashville, at such times and places as they may think best, either in cash subscriptions or in work; and that all of said persons, or so many of them as shall unite in making said road, or any other person or persons not named, who shall aid in its construction, or any seven of them shall be, and they are hereby appointed a body politic and corporate, by the name and style of the "Centreville and Nashville Turnpike Company," and by that name may sue and be sued, plead and be impleaded, and have a common seal, and have succession for ninety-nine years.

Centreville and
Nashville Turn-
pike Co.

SEC. 38. *Be it further enacted*, That the commis-

sioner, aforesaid, shall, at such time as suits their convenience, proceed to lay off and locate said road, starting from the town of Centreville, in Hickman county, running across Duck River, along the most suitable and practicable route, so as to strike Lick Creek at or below where E. Killough now lives; thence up said creek where Wm. Hicks now lives, and from thence the most suitable and practicable route to intersect the Nashville and Hillsboro' turnpike road, at such place as the president, or directors, or commissioners of said road shall agree upon and select.

SEC. 39. *Be it further enacted*, That the capital stock of said company, shall be a sufficient sum to construct said road, not to exceed one hundred thousand dollars, divided into shares of twenty-five dollars each.

SEC. 40. *Be it further enacted*, That so soon as five thousand dollars of said stock of the said road shall be subscribed for in cash or in labor, any five or more of said commissioners shall call a meeting of the stockholders of the said company at such place as they may think best, by giving ten days' notice of the time and place of meeting, by written notices put up in public places in the county of Hickman, and also by publishing the same in some newspaper published in the town of Franklin, county of Williamson, or in such other mode as they may direct, and at each meeting the subscribers for stock in said road shall elect eleven directors, one of them shall be president, who shall hold their offices for two years and until their successors are elected.

SEC. 41. *Be it further enacted*, That the said president and directors shall have the power to let out and put under contract the said road in parcels great or small, as they may think best to contractors for cash or for stock in said company, and also may, in such manner as they think best, solicit and procure additional subscription for stock in said company.

SEC. 42. *Be it further enacted*, That the president and directors shall cause said road to be opened twenty-five feet wide, and to be graded twenty-five feet wide, and within five degrees of a level, and whenever said president and directors may think necessary, to be covered with fine beaten stone or gravel, sixteen feet wide, with centre eight feet thereof one foot deep, and the other six inches deep; if said president and directors may think best, may cause said road to be covered with fine beaten stone or gravel, whenever they may think necessary, sixteen feet wide and nine inches deep, with suitable ditches and drains on each side.

SEC. 43. *Be it further enacted*, That said president and directors shall have all the privileges, rights, powers and immunities, given by law to the Nashville and Hillsboro' Turnpike Company, by the unanimous consent of the president and directors of the Nashville and Hillsboro' Turnpike Company, upon such terms as may be agreed upon between them.

SEC. 44. *Be it further enacted*, That said company may erect a gate, charge and receive tolls on said road, so soon as they shall have completed five miles thereof, and may continue to erect gates and receive tolls for every additional five miles, so fast as the same shall be completed, and the first gate on said road shall not be located nearer than one mile of the town of Centreville.

SEC. 45. *Be it further enacted*, That said company may demand and receive the same tolls that the Nashville and Hillsboro' Turnpike Company are allowed by law to receive. Rate of toll.

SEC. 46. *Be it further enacted*, That the president and directors of said company shall elect three free-holders not interested in said road, directly or indirectly, who, after being duly sworn shall examine and value such portion of said road as may be built by the labor of the stockholders, or undertakers, and return the same to the president and directors of said company, who shall issue a certificate of stock to such stockholders or undertakers for the amount of the valuation returned as aforesaid.

SEC. 47. *Be it further enacted*, That A. E. Patton, S. P. Goodman, J. M. Wilkerson, E. H. Ikard, A. M. Rutledge, Richard Featherton, Daniel Champion, James Wagner, and John Oliver, be, and they are hereby constituted a body politic and corporate, by the name of the Pelham and Dechard Turnpike Company, with power to them and their successors in office, to sue and be sued, to have a corporate seal, and to do all other things usually done by turnpike companies. Pelham and
Dechard Turn-
pike Company.

SEC. 48. *Be it further enacted*, That said corporation, or any one of them or all of them separately, may open books for subscriptions to the capital stock of said company, until enough is raised in their opinion to build the road, and when the sum of five thousand dollars is raised, then a meeting may be held at Hawkerville, and the corporators may proceed to lay off and work on their road, which runs from Pelham, in Grundy county, to Dechard, in Franklin county, or the directors may, if they see proper, extend it to Winchester.

SEC. 49. *Be it further enacted*, That said road shall be what is termed a second class road, and shall be well graded and graveled, or McAdamized, so as to make a good, smooth, firm road.

SEC. 50. *Be it further enacted*, That the capital stock of said company shall not be less than fifteen thousand dollars, and the work must be commenced in two years from this time; the stock shall be divided into shares of twenty-five dollars each.

SEC. 51. *Be it further enacted*, That in all other respects the company shall be the same, have the same powers and be subject to the same duties, and operated with the same burdens of the company chartered at the present session, to build a turnpike from the University grounds, in Franklin county, to Winchester, known by the name of Sewanee and Hawkerville Turnpike Company.

SEC. 52. *Be it further enacted*, That Nehemiah Suggs, Robert D. Rankin, John W. Frizzle, Joel Harris, John P. Hoover, B. G. Fields, A. J. Bingham, W. B. Norvell, William J. Peacock, R. C. Jones, John T. Cannon, and Matt. Fregitt, be, and they are hereby appointed commissioners to open books for subscriptions at any time and place they may choose for the subscription of stock to be used in the construction of a McAdamized road, beginning at or near the place where the Fairfield and Shelbyville road forms a junction with the old Murfreesboro' and Shelbyville road, by Bell Buckle depot, on the Nashville and Chattanooga Railroad, in Bedford county; then with or near the Wartrace creek, to the Bedford and Rutherford county lines, near John P. Hoover's.

SEC. 53. *Be it further enacted*, That so soon as three thousand dollars of stock are subscribed to build said road, in cash or in work, to be done on the road, any three of the above named commissioners may call a meeting of the stockholders of said company, at Bell Buckle, in Bedford county, by giving said stockholders five days' notice of the time and place of such meeting, and at such meeting the subscribers for stock in said road shall elect from their number seven directors; any five of whom may act; one of whom shall be chosen president; and said directors shall choose a secretary and treasurer from their number; said directors shall hold their offices for twelve months, or until their successors are appointed.

SEC. 54. *Be it further enacted*, That the president and board of directors may, in such manner as they may think best, solicit and procure additional subscriptions for stock; and shall, either by themselves or some competent persons

appointed by them, mark, lay out and locate said road according to the provisions of the thirty-fifth section of this act: *Provided*, Said road shall be made a good, second class turnpike road.

SEC. 55. *Be it further enacted*, That said company shall be allowed to erect two toll-gates upon said road, at such place as the board may designate: *Provided*, Neither gate shall be located within less than three quarters of a mile of Bell Buckle.

SEC. 56. *Be it further enacted*, That said company shall be known as the Hoovers Gap and Bell Buckle Turnpike Company; and that they shall have all the powers, and be subject to the same liabilities that are conferred and imposed in the act chartering the Christiana and Dug Hollow Turnpike company.

Hoover's Gap
and Bell Buckle
Turnpike Co.

SEC. 57. *Be it further enacted*, That Joshua Morris, D. C. Hanna, Wm. Peadon, John J. Morris, Willie T. Perry, Samuel Yokely and Thomas G. English shall be, and are hereby appointed a board of commissioners to open a turnpike road, commencing at Fitzpatrick's station, on the Tennessee and Alabama Central Railroad, in the county of Giles, and running the most direct and practicable route to or near Campbellsville, in said county.

Fitzpatrick and
Campbellsville
Turnpike

SEC. 58. *Be it further enacted*, That said commissioners shall be entitled to all the privileges and immunities, and subject to all the restrictions and liabilities imposed by an act of the present Legislature granting a charter for a turnpike road from the "Brick Church" to Fitzpatrick's station, on said railroad, in said county of Giles.

SEC. 59. *Be it further enacted*, That the charter of the Brown's Creek and Robertson Academy turnpike road, passed on the 20th day of March, 1858, be so amended as to allow the farmers and citizens living along the route of said road to build or construct the same in such sections or parts as may be agreed on by them and a majority of the commissioners appointed to locate said road: *Provided*, That they shall have no power to charge or collect any toll on said road until full five miles shall be done and completed, as required by the said charter, and that they be allowed the further term of five years to complete the same.

Brown's Creek &
Robertson Acad-
emy Turnpike.

SEC. 60. *Be it further enacted*, That Joshua Wright, W. L. Wright, Alexander Wright and Anderson Howard shall have the further time of four years to complete their turnpike road, in Fentress county.

SEC. 61. *Be it further enacted*, That the commissioners of the Lewisburg and Mooresville Turnpike Company, in

Lewisburg and
Mooresville
Turnpike Co.

the county of Marshall, have the further time of two years to finish their road.

Lebanon and
Lowe's Ferry
Turnpike Co.

SEC. 62. *Be it further enacted*, That the Lebanon and Lowe's Ferry Turnpike Company shall have the further time of two years to finish said road; and the Lebanon and Sparta Turnpike road be so changed as to run with the main street in the town of Liberty, instead of running through said town on its present location.

Lebanon and
Sparta Turnpike
Company.

SEC. 63. *Be it further enacted*, That the voters of McNairy county in civil district No. 1, shall have two places for voting in all public elections; one at Mary P. Kirk's house, as now established, and the other at John Nall's, in the fork of Tuscumbia and Hatchie rivers: *Provided*, The poles shall all be compared at the precinct already located in civil district No. 1, at said Mary P. Kirk's.

Precinct in
McNairy county.

Columbia, Cen-
treville and Pine
River Railroad
Company.

SEC. 64. *Be it further enacted*, That an act passed at the present session of the General Assembly, entitled, An Act to incorporate the Columbia, Centreville and Pine River Railroad Company, and for other purposes, take effect from and after its passage.

SEC. 65. *Be it further enacted*, That W. R. Bruce, J. L. Thenill, J. C. Patterson, John Bass, A. B. Green, C. N. Ordway, A. M. Wilson and Neil McCallum, be, and they are hereby appointed commissioners to open books to receive subscriptions for the purpose of building a turnpike road leading from the Columbia, Pulaski, Elkton and Alabama turnpike to Bradshaw's creek. The said subscription may be made payable in money or in work to be performed on said road to an amount sufficient to build the same.

SEC. 66. *Be it further enacted*, That said road shall be located by said commissioners, commencing at a point on the Columbia, Pulaski, Elkton and Alabama turnpike, between Elkton and the residence of James Scruggs, as said commissioners may elect; from thence in the direction of Fayetteville, to a point at or near the mouth of Bradshaw's creek, in the county of Lincoln.

SEC. 67. *Be it further enacted*, That so soon as subscription shall be made sufficient to build five miles of said road a meeting of the stockholders shall be called by the commissioners, at such place as they may select; after which meeting, the said stockholders, and those who may thereafter become stockholders, shall be, and they are hereby constituted a body politic and corporate, by the name of the Bethany Turnpike Company; and shall possess all the rights, powers and privileges, and be subject to the conditions, limitations and restrictions, granted to and imposed upon a turnpike company chartered at the present session

Bethany Turn-
pike Company.

of the Legislature, leading from Brick Church to Fitzpatrick's station, on the Tennessee and Alabama Central Railroad in the county of Giles.

SEC. 68. *Be it further enacted*, That the stockholders in said road shall be allowed three years to commence the building of the same.

SEC. 69. *Be it further enacted*, That the Shelbyville and Fairfield Turnpike Company shall have the privilege of erecting a toll-gate when the company shall have completed four miles of said road; and that they may commence measuring at the corporation line of Shelbyville.

Shelbyville and
Fairfield Turn-
pike Company.

SEC. 70. *Be it further enacted*, That John Bell, jr., D. D. Maney, Addison Mitchell, John Ewing, James Green, R. V. Johns, Joseph Lindsey, Julius Wade, and James E. Stockird of Rutherford county, be, and they are hereby appointed commissioners to open books and receive subscriptions to construct a turnpike road from Murfreesboro, by the way of the Sulphur Spring to the town of Jefferson, or as near thereto as they may determine: *Provided*, The road shall be at least five miles in length, as soon as a sufficient amount is subscribed to build five miles of road, the commissioners shall call the stockholders together, and elect five directors, who may elect one of their number president, and the president and directors thus chosen, may elect a secretary and treasurer, locate the road, and be a body corporate and politic, by the name of the President and Directors of the Murfreesboro' and Sulphur Spring Turnpike Company, with all the privileges granted to the Murfreesboro' and Wilkinson Cross-road Turnpike Company.

Murfreesboro'
and Sulphur
Spring Turnpike
Co.

SEC. 71. *Be it further enacted*, That S. R. Miles, H. L. Anderson, M. B. Wade, Henry Wade, Richard Wade, James E. Stockird, Julius Wade, Campbell Gentry, Thomas C. Beach, W. L. Watkins, and Robert Bell, be appointed commissioners to open books, and procure subscriptions to build a turnpike road from Florence, a station on the Nashville and Chattanooga Railroad, to the Lebanon and Murfreesboro' Turnpike. As soon as the commissioners shall receive subscribed stock, either in money, or work, or both, to build the road, they shall call a meeting of the stockholders who shall proceed to elect five directors, one of whom shall be chosen president, and they may elect a secretary and treasurer, and locate the road. The president and directors thus chosen, shall be a body corporate and politic, and have, and enjoy all the privileges granted to the Murfreesboro' and Willkinson Cross-road Turnpike Company, by their act of incorporation, and the acts amendatory thereto, and shall be known and designated as the

Junction Turn-
pike Company.

President and Directors of the Junction Turnpike Company.

SEC. 72. *Whereas*, An act was passed, on the 15th day of February 1858, "To incorporate the Murfreesboro' Las Casas, Milton and Liberty Turnpike Company, and to amend the charter of the Jefferson Turnpike Company, and to amend the charter of the Cainsville and Valley Turnpike Company, &c., &c.," which act was omitted in the published acts of 1857-8. *Therefore, be it enacted by the General Assembly of the State of Tennessee*, That so much of the above act as relates to the foregoing companies, be published in the acts of the present General Assembly, which is in the following words, to-wit: That the charter of the Murfreesboro' and Las Casas Turnpike Company, chartered on the 16th day of February 1856, be so amended as to authorize said company, to extend said road, in an eastern direction, from Las Casas to Liberty, on the Lebanon and Sparta Turnpike road, to a point, at, or near Moses Fite's, in Dekalb county, running by the way of Milton, in Rutherford county, and crossing the ridge beyond said town of Milton, at Neely's Gap, and continuing all the way from the terminus at Las Casas, along over and upon the bed of a road already located, and in progress of construction; that said company shall be known and designated as the Murfreesboro', Las Casas, Milton, and Liberty Turnpike Company, and by that name, in addition to any specific powers hereby conferred on said Company, shall be clothed and invested with all the powers, duties, rights, privileges and immunities, and shall be subject to the same regulations and restrictions, as are conferred and imposed upon the Murfreesboro' and Woodbury Turnpike Company, by their charter of incorporation; they shall be entitled to the same number of directors as the said Woodbury Turnpike Company, one of whom shall be president; the said directors to be elected by the stockholders along the whole road, and the first election shall be held in the town of Milton, Rutherford county, Tennessee, on the first day of May, in the year 1858, after twenty days' notice at three or more public places immediately along the road, of the time and place of such election, the same to be given by the acting superintendent of the Murfreesboro' and Las Casas road. The first directors (as aforesaid elected,) shall be qualified as such according to law, and they shall designate the time and place of all subsequent elections for directors: *Provided*, There shall be an election for the same at least once in every two years: *And, provided further*, That any acting board of directors shall, from time to time, have the power to make any changes in the place of opening and holding

Murfreesboro'
Las Casas, Milton
and Liberty
Turnpike Co.

said elections for directors. The stock subscribed on the end of the road from Murfreesboro' and Las Casas shall be applied to the payment of the contractors between these two points, reserving, however, to the directors, the power to appropriate and apply any surplus along the division of the road, as above indicated to any other portions they may deem proper, or for the interest of the company.

SEC. 73. *Be it further enacted*, That the charter of the Jefferson Turnpike Company be so amended as to authorize the president and directors of said company to expend as much of the tolls and dividends of the road as may be necessary to extend the same to Las Casas, so as to intersect the Murfreesboro', Las Casas, Milton and Liberty Turnpike road and the company may also increase the capital stock in said road by receiving individual subscriptions to aid in the extension of the same, and the individuals subscribing shall be placed upon the same footing as the other individual stockholders in the road.

Jefferson Turnpike Company.

SEC. 74. *Be it further enacted*, That the charter of the Cainsville and Valley turnpike company be so amended as to permit the company to construct a second class road, and intersect the Murfreesboro', Las Casas, Milton and Liberty Turnpike road, at or near Las Casas.

Cainsville and Valley Turnpike Company.

SEC. 75. *Be it further enacted*, That Wm. Barton, James R. Taylor, James A. Roberts, A. F. McFarin, Azaniah Gaither, Joseph Pinkerton, R. M. Williams, Dr. Woods, and ——— Moore, Esq., and their associates, are hereby declared to be a body politic and corporate, by the name of the Bradyville and Brawleys Fork Turnpike Company, for the purpose of building and constructing a second class turnpike road from Bradyville, to intersect the Murfreesboro' and Woodbury Turnpike, at such point as the commissioners may designate.

Bradyville and Brawley's Fork Turnpike Co.

SEC. 76. *Be it further enacted*, That said Bradyville and Brawley's Fork Turnpike Company may, and is hereby declared to have all the rights, privileges and immunities, and be subject to the same restrictions of the Woodbury and Murfreesboro' Turnpike Company as far as the same may be applicable to said company.

SEC. 77. *Be it further enacted*, That A. B. Carnes, John A. Brown, David Smith, E. E. Curlee, John N. Doak, Josephus Finley, W. S. Loop, A. Tenpenny, A. Alexander, and R. C. M'Brown and their associates, are hereby declared to be a body politic and corporate, by the name and style of the Woodbury and Bradyville Turnpike Company, with all the rights, privileges and immunities, and be subject to all the restrictions of the Murfreesboro' and Woodbury

Woodbury and Bradyville Turnpike Co.

Turnpike Company, for the purpose of building and constructing a second class turnpike from Woodbury to Bradyville upon such route as may be selected by the commissioners of said road.

Petty's Gap
Turnpike.

SEC. 78. *Be it further enacted*, That Walker Todd, John Hallis, Tobias Tenpenny, John A. Brown, James Betty, sr., James Todd, jun., Thomas Carick, M. L. Todd, James R. Taylor, Wm. Barton, and A. E. Carfey, and their associates, are hereby declared to be a body politic and corporate, with all the privileges, rights and immunities granted, and be subject to all the restrictions provided in the 2d and 3d sections of this act, for the purpose of building a second class turnpike from Petty's Gap, intersecting the Bradyville and Brawley's Fork Turnpike at such point as may be selected by the commissioners.

Bradyville and
Beech Grove
Turnpike.

SEC. 79. *Be it further enacted*, That Alfred Jacobs, John McGill, G. B. ———, and Freeling Ashby, of Coffee county, and Blake Sugely, John Gordon, and Mathew Whitfield, of Cannon county, be, and they are hereby declared to be a body politic and corporate, with all the rights, privileges and immunities granted, and be subject to all the restrictions provided in this act, for the purpose of building and constructing a turnpike road from Bradyville, in Cannon county, to Beech Grove, in Coffee county.

French Broad
Bridge Co.

SEC. 80. *Be it further enacted*, That D. D. Brooks, J. L. Blanchard, Daniel Brooks, Jno. S. Stephens, James C. Murray, David Odell, Wm. F. Morris, John Stokely, Michael Ottinger, Martin Iserham, John Havok, and their associates and successors, are hereby made a body politic and corporate, which may sue and be sued, plead and be impleaded in any court of law or equity, in this State, by the name and style of the French Broad Bridge Company, and such company are hereby empowered and authorized to complete, and keep in repair a toll bridge across the French Broad river, in the county of Cocke, between the dwelling houses of the above John S. Stephens, and David Odell, for the term of ninety-nine years.

SEC. 81. *Be it further enacted*, That the capital stock of said company shall consist of two hundred shares, of ten dollars each; but may be increased to six hundred shares of ten dollars each, by a vote of a majority of the stockholders and the above French Broad Bridge Company, is hereby granted all the rights, powers and privileges, and subject to all the liabilities of the Broyles and Henshard Bridge Company, granted by the General Assembly of Tennessee, on the 27th of October, 1855.

SEC. 82. That the citizens of the said county of Cocke shall have the right to build a free bridge at the above mentioned place by private subscription and such assistance as the County Court of Cocke county may grant by appropriation for that purpose, until the 1st day of September, 1860; but if the citizens, together with the County Court of Cocke county, do not subscribe two thousand dollars or a sufficiency to build a good bridge at the above mentioned place, before the 1st of September, 1860, then the company hereby incorporated shall have all the powers hereby granted, and any citizen in Cocke county shall have the right to take stock in said bridge company until the 1st of January, 1860.

SEC. 83. That this act take effect from and after its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, March 15, 1860.

CHAPTER 128.

AN ACT to supply Carter county with certain Supreme Court decisions, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Secretary of State furnish to the Clerk of the Circuit Court of Carter county, Meigs' Report, sixth Yerger, and eleventh Humphreys, which were destroyed by fire, (and that the *Treasurer of the State shall issue his warrant to the Secretary of the State*, for an amount sufficient to pay for the same): *Provided*, The same can be procured of copies now in print.

SEC. 2. *Be it enacted*, That all new counties, and counties that have not had the reports of the Supreme Court, shall be furnished with them: *Provided*, It can be done without re-printing, to be purchased by the Secretary out of the reports on hand.

SEC. 3. *Be it enacted*, That nothing herein contained, shall be so construed, as to authorize or require the Secretary of State to have any additional copies of the Supreme Court decisions published, but shall be only required

to furnish so many as may now be on hand, not otherwise appropriated; and that this act take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 15, 1860.

CHAPTER 129.

AN ACT to charter a Bank of Discount and Deposit at Brownsville, and other places

Bank of Brown-
ville-

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That James Bond, his associates, successors and assigns, be, and they are hereby constituted a body politic and corporate, by the name and style of the "Bank of Brownsville;" shall have succession and a common seal for a period of twenty years, from and after the first day of January, 1860, and as such, they may sue and be sued, plead and be impleaded, and have and possess all the powers incident to corporations, and necessary and proper to carry on the business of, and effect the objects, contemplated by this act.

Capital Stock.

SEC. 2. *Be it further enacted*, That the capital stock shall not exceed *five hundred thousand dollars*, to be divided into shares of fifty dollars each, and transferable on the books of the company as the *by-laws* may prescribe.

SEC. 3. *Be it further enacted*, That said corporation may deal in gold and silver coin and bullion, public and private securities, buy and sell any description of negotiable paper, buy and sell exchange, current and uncurrent bank bills, borrow and loan money or currency, discount notes and other evidences of debt, receive and keep deposits upon such terms as may be agreed upon by the parties: *Provided*, Said company shall not pay interest on deposits: *And, provided further*, That the said corporation does not charge for the discount of any such evidences of debt more than the rate of interest allowed by law: *And, provided further*, That said corporation shall not pay out for circulation, currency which is or may be forbidden by law to circulate within this State, nor shall they pay out the notes of foreign banks, but may pay out the notes of specie paying banks of this State.

Sec. 4. *Be it further enacted,* That said corporation shall in no event issue bills to circulate as currency, nor shall its discounts at any time exceed the amount of capital actually paid in, and two-thirds of its deposits.

Sec. 5. *Be it further enacted,* That said corporation may transact its business through such officers and agents as it may choose to appoint in Brownsville, Haywood county, Tennessee, and prescribe such by-laws for its government, as the stockholders may deem necessary and proper for that purpose.

Sec. 6. *Be it further enacted,* That the stockholders shall be liable as general partners for all of the debts of the corporation.

Sec. 7. *Be it further enacted,* That said corporation shall pay into the public treasury for the use and benefit of the State, an annual tax of one-half of one per cent. upon its capital stock. Tax.

Sec. 8. *Be it further enacted,* That for the violation of any of the provisions of this charter, the same may be declared null and void, by the judgment of any competent Court, regularly obtained in the course of law: *Provided,* That no judgment or forfeiture shall operate so as to prevent said corporation from collecting its debts and closing its business.

Sec. 9. *Be it further enacted,* That the charter hereby granted shall be subject to repeal or amendment by the Legislature.

Sec. 10. *Be it further enacted,* That John Baxter and Samuel Morrow shall open books for subscription, and they and their associates, successors and assigns shall be, and they are hereby constituted a body politic and corporate, and by such name and style as they may choose to adopt, shall have succession, and a common seal for a period of twenty years from and after the 1st day of April, 1860, and as such they may sue and be sued, plead and be impleaded, and have and possess all the powers incident to corporations, and necessary and proper to carry on the business and effect the objects contemplated by this act, but subject in the exercise of the powers herein conferred, to such public and general statutes, so far as the same may be applicable to this act, as may be enacted hereafter in regard to banks, banking and brokers. Bank of Knoxville.

Sec. 11. *Be it further enacted,* That the capital shall not exceed five hundred thousand dollars, to be divided into shares of fifty dollars each, and transferable on the books of the company as the by-laws may prescribe. Capital Stock.

Sec. 12. *Be it further enacted,* That said corporation may deal in gold and silver coin, and bullion, public and

private securities, buy and sell any description of negotiable paper, buy and sell exchange, current and uncurrent bank bills, borrow and loan money or currency, discount notes and other evidences of debt, receive and keep deposits upon such terms as may be agreed on by the parties: *Provided*, Said corporation does not charge for the discount of any such evidence of debt more than the rate of interest allowed by law: *And, provided further*, That said corporation shall not pay out for circulation, currency which is or may be forbidden by law to circulate within the State.

SEC. 13. *Be it further enacted*, That said corporation shall in no event issue bills to circulate as currency, nor shall its discounts at any time exceed the amount of capital actually paid in and two-thirds of its deposits.

SEC. 14. *Be it further enacted*, That said corporation may transact its business through such officers, agents and agencies as it may choose to appoint at Knoxville, Tennessee, and prescribe such by-laws for its government, as the stockholders may deem necessary and proper for that purpose.

SEC. 15. *Be it further enacted*, That in the event of the insolvency of said corporation, the individual stockholders therein shall be liable for all of its unsatisfied debts.

SEC. 16. *Be it further enacted*, That in consideration of the franchise, said corporation shall pay into the public treasury for the use and benefit of the State, an annual tax of one-half of one per cent. for its capital stock.

SEC. 17. *Be it further enacted*, That for the violation of any of the provisions of this charter, the same may be declared null and void by judgment of any competent Court, regularly obtained in due course of law: *Provided*, That no judgment of forfeiture shall operate so as to prevent said corporation from collecting its debts and closing its business.

SEC. 18. *Be it further enacted*, That Geo. W. Ross, T. A. Cleage, Richard C. Jackson, and A. Blizard, are hereby appointed commissioners, who may open books and receive subscriptions of stock in a bank to be located in Athens; and said stockholders shall be, and they are hereby declared a body politic and corporate, by the name and style of the "Bank of Athens," with all the powers, privileges and immunities conferred by law on the Bank of Brownsville, and subject to all the restrictions and liabilities imposed upon said corporation.

SEC. 19. *Be it further enacted*, That Dr. Wm. E. Butler, John W. Campbell, Samuel J. Hayne, James Murrell,

and A. W. Campbell, their associates and successors, be, and they are hereby constituted a body corporate and politic, by the name and style of the "Bank of Madison," and by such name may sue and be sued, plead and be impleaded, may have succession for period of thirty years, may have a common seal, may hold real estate, so far as the same may be necessary for banking houses, or may be received in the payment of debts or otherwise, necessary for the legitimate business of the corporation.

Bank of Madison.

SEC. 20. *Be it further enacted*, That the capital stock shall not exceed five hundred thousand dollars, to be divided into shares of fifty dollars each, and transferable on the books of the company, as the laws may prescribe.

Capital Stock.

SEC. 21. *Be it further enacted*, That said corporation may deal in gold and silver coin and bullion, public and private securities, buy and sell any description of negotiable paper, buy and sell exchange, current and uncurrent bank bills, borrow and loan money or currency, discount notes and other evidences of debt, receive and keep deposit upon such terms as may be agreed upon by the parties: *Provided*, Said company shall not pay interest on deposits: *And provided further*, That the said corporation does not charge for the discount of any such evidence of debt more than the rate of interest allowed by law: *And provided further*, That said corporation shall not pay out for circulation, currency which is or may be forbidden by law to circulate within the State, nor shall they pay out the notes of foreign banks, but may pay out the notes of specie paying banks.

SEC. 22. *Be it further enacted*, That said corporation shall, in no event issue bills to circulate as currency, nor shall its discounts at any time exceed the amount of capital paid in, and two-thirds of its deposits.

SEC. 23. *Be it further enacted*, That said corporation may transact its business through such officers and agents as it may choose to appoint in Jackson, Madison county, Tennessee, prescribe such by-laws for its government as the stockholders may deem necessary and proper for that purpose.

SEC. 24. *Be it further enacted*, That the stockholders shall be liable as general partners for all the debts of the corporation.

SEC. 25. *Be it further enacted*, That said corporation shall pay into the Public Treasury, for the use and benefit of the State, an annual tax of one-half of one per cent. upon its capital stock.

Tax.

SEC. 26. *Be it further enacted*, That for the violation of any of the provisions of this charter, the same may be

declared null and void by the judgment of any competent court regularly obtained in due course of law: *Provided*, That no judgment of forfeiture shall operate so as to prevent said corporation from collecting its debts and closing its business.

SEC. 27. *Be it further enacted*, That the charter hereby granted shall be subject to repeal or amendment by the Legislature.

SEC. 28. *Be it further enacted*, That nothing contained in this act shall be so construed as to exempt the corporations, their associates or successors from such liabilities as attach or may hereafter attach to them as general partners, by reason of the common law, or the law of the land: *Provided*, That the Legislature hereby expressly reserves the right to alter, amend or repeal this act or any part thereof, whenever the public good may demand it.

Bank of Hamilton.

SEC. 29. *Be it further enacted*, That Peter Mosger, Caswell D. Lutrell, George O. Cate, Alfred King, George W. Gardenhire, David N. Bell and Jonathan Wood, are hereby authorized to receive subscriptions of stock for the purpose of establishing a bank of discount and deposit at Harrison, in Hamilton county, to be called the "Bank of Hamilton," and the subscribers of stock to this bank are hereby incorporated as a body politic and corporate, with all the rights, powers privileges and restrictions of the Bank of Madison, and to be governed by the provisions of said act.

SEC. 30. *Be it further enacted*, That the banks chartered by this act shall not act as agent to pay out the notes of any bank. And that this act take effect from and after its passage.

W. C. WHITTHORNE.

Speaker of the House of Representatives.

TAZ. W. NEWMAN.

Speaker of the Senate.

Passed, March 15, 1860.

CHAPTER 130.

AN ACT to amend the charter of the Mutual Protection Fire Insurance and Life and Trust Company, of Trenton, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Trustees or Directors of the Mutual Protection and Fire Insurance and Life and

Trust Company, of Trenton, be authorized to change their corporate name to that of the Western Insurance Company, by which name, when adopted by said trustees or directors, said company shall have a corporate existence as provided for in the act of the General Assembly, passed on the 21st of February, A. D., 1852. Western Insurance Company.

SEC. 2. *Be it further enacted*, That said company may have all the powers and privileges of the Memphis Life Insurance and Trust Company.

SEC. 3. *Be it further enacted*, That J. W. Crockett, G. H. Monsarrat, Jesse M. Tate, J. R. S. Gilleland, Geo. L. Holmes, and Charles Jones, be appointed commissioners to open books to receive subscriptions to a company to be known as the Franklin Insurance Company, of Memphis, to conduct the business of Life and General Insurance, for the term of fifteen years from and after their organization. Franklin Insurance Company, of Memphis.

SEC. 4. *Be it further enacted*, That said company shall have all the powers, privileges and immunities, and be subject to all the liabilities and restrictions conferred and imposed upon the Memphis Life and General Insurance Company, by their charter of incorporation.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

. Passed, March 19, 1860.

CHAPTER 181.

AN ACT to incorporate the Middleburg Male and Female Academy.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That D. M. Marsh, Allen Wolverton, T. U. Webb, D. J. Newbern and W. B. Morrow, be, and they are hereby incorporated a body politic by the name of the Trustees of the Middleburg Male and Female Academy, and by that name shall have succession for ninety-nine years, and a common seal, and the said trustees and successors by the name aforesaid shall be capable in law to purchase, receive, and hold to themselves and their successors forever, or for any less estate, any lands, ten-

ments, goods or chattels which may be given, granted or devised to them or the Institution, or purchased by them for the use of said Institution, and said trustees and their successors, by the corporate name aforesaid, may sue and be sued, plead and be impleaded in any court of law in this State or elsewhere.

SEC. 2. *Be it further enacted*, That the trustees aforesaid, and their successors shall have power to hold such meetings at such times and places as may be agreed upon from time to time by a majority of the board, to appoint a president of their own body, and a secretary, and treasurer, either of their own body, or as they may think most desirable, and to fill vacancies that may happen in said board by death, resignation, removal, failure or refusal to act, or otherwise, but not less than three members shall constitute a quorum to transact business.

SEC. 3. *Be it further enacted*, That it shall be the duty of the Secretary of said board to keep a correct journal of all the meetings and official acts of said board, to note the absentees, and said board shall have power, a majority concurring and voting therefor, to declare vacant the seat of any member who shall have failed to attend the meetings.

SEC. 4. *Be it further enacted*, That said board of trustees shall have power to make such by-laws, rules and regulations relating to such academy, the government thereof, the conferring degrees, and the government of their own proceedings, as a majority of them may deem right and proper: *Provided*, They shall not be inconsistent with the constitution of the State of Tennessee, or of the United States.

SEC. 5. *Be it further enacted*, That within the following boundaries, beginning at the south-east corner of the Masonic Lodge, and run thence west to the M. C. Railroad, thence north with said road eight hundred yards to a stake, thence east eight hundred yards to a stake, thence south eight hundred yards to a stake, thence west to the beginning, is hereby made a body corporate and politic, under the name and style of the town of Medon, with all the powers and privileges of East Knoxville, as incorporated by an act of eighteen hundred and fifty-five and six, chapter one hundred and thirty-one.

SEC. 6. *Be it further enacted*, That the constable of the civil district in which Medon is situate, shall, after ten day's notice open and hold an election in said town, on the first Saturday in May, next, for the purpose of electing a Mayor and Board of Aldermen, who shall have

Medon incorpo-
rated.

authority to elect all other officers, which this town may be entitled to have under the acts before recited; and that his act take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate

Passed, March 91, 1860.

CHAPTER 132.

AN ACT for the relief of Alexander R. Anderson.

WHEREAS, It appears that Alexander R. Anderson, was Trustee of Greene county, during the year 1856, and as such, drew from the Branch Bank of Tennessee at Rogersville, the free school fund for said county, which fund, was paid in the notes of the Bank of East Tennessee, which were current and which was authorized by law: *and whereas*, after having so received the same, the said bank of East Tennessee failed, leaving in the hands of said Anderson, the sum of six hundred and five dollars, which is entirely worthless: *and whereas*, E. F. Mercer, the successor to the said Anderson, as Trustee, has recovered a judgment against him and his securities for the sum of six hundred and forty-eight dollars, with costs, at the February term, 1859: therefore,

Be it enacted by the General Assembly of the State of Tennessee, That said judgment be, and the same hereby canceled and for nothing held, and that the present Trustee receive said notes and dispose of them to the best advantage: *Provided*, That the loss thus sustained by the county of Greene, in her school money, shall not be chargeable to the school fund hereafter to be distributed to said county, nor shall the State be in any way responsible for said loss.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 19, 1860.

CHAPTER 133.

AN ACT to charter Mt. Moriah Male Academy, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Thomas B. Yates, Jephtha H. Shafner, Webb K. Shafner, Isaac Rutledge, and Thomas Whitaker, be, and they are hereby constituted a body politic and corporate, under the style and name of the "Board of Trustees of Mt. Moriah Male Academy," and shall have succession for ninety-nine years, and be capable in law or equity, to purchase, receive and hold, themselves and their successors, any lands, tenements, goods or chattels, which may be given, granted or devised to them or purchased by them for the use and benefit of said Academy, and the said trustees and their successors, by the name aforesaid, may sue and be sued, plead and be impleaded in any of the courts of law or equity in this State.

SEC. 2. *Be it further enacted*, That the trustees aforesaid, and their successors shall have power to hold such meetings at such times and places as they may think proper, to elect one member president, and a secretary and treasurer of said board, and to fill vacancies when such may occur by death, resignation, removal, or otherwise, but not less than a majority of said trustees shall constitute a board to do business.

SEC. 3. *Be it further enacted*, That said board of trustees shall have such power to make such rules and regulations relative to said Academy, and the government thereof, and their own proceedings as a majority may deem right and proper: *Provided*, They be not inconsistent with the constitution and laws of the State.

SEC. 4. *Be it further enacted*, That the Rev. John Wilson, James M. Larkin, Andrew McQuiston, Wm. Wilson, Robert McCalla, W. R. McCain, W. J. McQuiston, A. L. McCain and W. C. McQuiston, be, and they are hereby constituted a body politic and corporate, by the name and style of the Salem Church Education Society, and by that name may have succession for ninety-nine years, with full power and authority to sue and be sued, plead and be impleaded, answer and be answered unto, in any court of law or equity in this State, and to have and use a corporate seal, which they may alter or change at pleasure.

SEC. 5. *Be it further enacted*, That the object of said society shall be to raise funds to assist young men wishing to enter the Christian ministry, but who have not the means

at command to obtain the necessary education, for this holy calling.

SEC. 6. *Be it further enacted*, That the officers of said society shall consist of a president two vice-presidents, a secretary and treasurer ; that the persons named in the fourth section of this act, or a majority of them shall hold a meeting at said Salem Church, after giving due notice thereof, to effect a temporary organization of said society, by the election, from their number, of the officers named in the fourth section of this act, who shall hold their offices for one year.

SEC. 7. *Be it further enacted*, That this society shall have power to adopt a constitution in such manner as it may determine, which shall declare the terms of membership in said society, eligibility to office, manner of electing officers, terms of office, duties of officers, and such by laws as shall be necessary to promote the best interest of said society, and which shall not be inconsistent with the constitution and laws of this State.

SEC. 8. *Be it further enacted*, That John H. Crozier, John Baxter, Wm. H. Sneed, and Samuel Morrow and their successors, be, and are hereby incorporated a body politic, under the name and style of the Trustees of the Knoxville Female Academy, in the county of Knox ; and that they be invested with the same powers and privileges granted in the act incorporating "The East Tennessee Female Institute," in the city of Knoxville.

Knoxville Female Institute.

SEC. 9. *Be it enacted*, That an act passed December 14, 1855, entitled, an act, to charter the Odd Fellows College, at Paris, be so amended, as to authorize Buena Vista Lodge, No. 56, I. O. O. F. to elect nine trustees, four of whom only, shall be members of said lodge.

Odd Fellow's College at Paris

SEC. 10. *Be it further enacted*, That said institution, shall be a joint stock company, the stock therein to be divided into shares of fifty dollars each, and, that the same shall be governed by said trustees, who shall be elected by the members of said lodge, on the first Friday evening of June, in each, and every year, who shall hold their offices for one year, and until their successors are elected ; a majority of whom shall constitute a quorum, for the management of said institution, and shall have, and exercise the same powers that trustees of other institutions of a like grade, now have and enjoy.

SEC. 11. *Be it further enacted*, That this act take effect from and after its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

T. W. NEWMAN,

Speaker of the Senate.

Passed, March 19, 1860.

CHAPTER 134.

AN ACT to incorporate the Goose Creek and Woodson Turnpike Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Lewis G. Mills, James Siddons, sr., John M. Lewis, N. B. Turner, and G. B. Harris, are hereby appointed commissioners to open books to receive subscriptions for stock for the purpose of building a turnpike road from L. G. Mills', on Goose creek, in Macon county, to the Gallatin and Scottsville turnpike, near L. M. Woodson's, or such other points as the commissioners may designate.

Goose Creek and
Woodson Turn-
pike Company.

The commissioners may cause the books to be opened at such times and places as they may think best; and stock may be taken in cash subscription, or work. The commissioners hereby appointed to open books, shall locate the road; and shall be, and are hereby made a body politic and corporate, by the name and style of the Goose Creek and Woodson Turnpike Company; and by that name may sue and be sued, plead and be impleaded, have a common seal, and succession for ninety-nine years.

Capital stock.

SEC. 2. *Be it further enacted*, That there shall not be more than two gates on said road, and that the same shall not be nearer than four miles of each other; and the capital stock shall not exceed fifteen thousand dollars.

SEC. 3. *Be it further enacted*, That this company shall have all the rights, immunities and privileges, and be subject to all the liabilities of the act incorporating the Harts-ville turnpike company.

Fayetteville and
Cane Creek
Turnpike Co.

SEC. 4. *Be it further enacted*, That Jacob Gillespie, A. M. Hall, L. L. Clark, Joel M. Harris, Pleasant Holbert, A. A. Greer, W. H. Kercheval, John M. Bright, Thomas C. Goodrich, Wm. N. Wright and Wm. H. Moores, be, and the same are hereby incorporated a body politic, under the style and name of the Fayetteville and Cane Creek Turnpike Company; and that any five of them be, and they are hereby appointed commissioners to open books to receive subscriptions for the purpose of building a turnpike road, from or near Petersburg, in the county of Lincoln, to Fayetteville, in said county; the said subscriptions may be made payable in money, or in work to be performed on said road; said stock to be divided into shares of twenty dollars each; and subject to the provisions of the Code in all other respects.

SEC. 5. *Be it further enacted*, That Robert Cantrall, David James, of the county of DeKalb, and Snowden H.

Maddeux, J. W. McDonall, of the county of Putnam, and James Rhodes and Joseph Herd, of White county, be, and they are hereby appointed commissioners to receive from the treasury of the State, the one thousand dollars appropriated at this session, to clear out the Caney Fork of Cumberland river, in DeKalb county, and other counties; and to superintend the application of the same.

Caney Fork.

Sec. 6. *Be it further enacted*, That the commissioners hereby appointed, before they shall be authorized to receive said money, shall execute a bond before the County Court of DeKalb county, on the same conditions as required of the Fentress county commissioners, in section five of the act referred to; and shall produce the certificate of the Clerk of the County Court of DeKalb county, as required of the Fentress county commissioners by section six; and they shall be entitled to the same pay as allowed in section nine; and shall report at the same time as set forth in said section, to DeKalb County Court.

Sec. 7. *Be it further enacted*, That Matthias Wright and Robert King, of Fentress county, be, and they are hereby appointed commissioners in Fentress county, in the room of Thomas Beaty and Jacob Wright, who were appointed in the 2d section of the act referred to; who shall have the same powers and rights, and shall be subject to the same requirements said Jacob Wright and Thomas Beaty were subject to.

Commissioners
of Fentress county.

Sec. 8. *Be it further enacted*, That the charter of the Brown's Creek and Robertson Academy, Turnpike Company, passed on the 20th day of March, 1858, be, and the same is hereby so amended as to authorize the farmers and citizens living along the line of said road, to begin the work at either end of the road, and to build the same in such sections, and payable in work or money as may be agreed on between them and a majority of the commissioners authorized to locate the same: *Provided*, That no toll-gate shall be erected, or toll collected on said road until so much of the same shall be done and completed in the original charter. And that this act take effect from and after its passage.

Brown's Creek
and Robertson
Academy Turn-
pike Company.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 19, 1860.

CHAPTER 135.

AN ACT to change the line between the counties of DeKalb and Smith, and other counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county line between DeKalb and Smith counties be changed as follows: beginning at Benj. Thomason's land, running north with the county line, forty-two poles to his N. W. corner; thence east, ninety-eight poles; thence north twenty-five degrees east twenty-six poles; thence north with James Jones', sixty-two poles; thence east thirty poles; thence north fourteen degrees east eighty-eight poles; thence west thirty poles; thence north forty poles; thence east thirty poles to Andrew Williams' line; thence north with his line, one hundred and ten poles; thence east one hundred poles to Asa Washer's line; thence north twenty-three poles; thence sixty-five degrees east seven poles; thence north fifty-five poles; thence east sixteen poles; thence north fifty-six poles; thence east sixty poles; thence north eighty-four poles; thence east one hundred and eighteen poles; thence south fifty-eight poles; thence south seventeen degrees west twenty-six poles, to Granderson Hardcastle's line; thence south forty degrees east twenty-six poles; thence south sixty-two degrees east twenty-six poles; thence south sixty-two degrees east fourteen poles to a beech corner belonging to the heirs of James Arnient; thence east with the line seventy-six poles to John Helmontuller's line; thence north his line fifty-four poles; thence east with Young Malone's line one hundred and fifteen poles; thence north twenty poles; thence south sixty-five degrees east thirty-six poles, to B. Malone's line; thence north with his line forty-five degrees east twenty-two poles; thence east eighty poles; thence north, thirty-four poles; thence south thirty-seven degrees east forty-four poles; thence east with C. Deuny's line eighty poles to Daniel Driver's, west boundary line; thence north with his line one hundred and thirty-four poles; thence east one hundred and thirty five poles; thence south ninety-four poles; thence south forty-six degrees east twenty poles; thence south eighteen degrees east forty-six to Charles Washer's line; thence south eighty five degrees east twenty-two poles; thence south sixty-five degrees east forty-eight poles; thence north fifty degrees east forty-two poles; thence east fourteen poles; thence south fifty-five east twenty-eight poles to Thos. Drivers's line;

County line between DeKalb and Smith.

thence north fifty-two degrees east one hundred poles; thence north fifty-seven degrees east forty-two poles; thence north sixty-five degrees east fifty-four poles; thence north sixty-five degrees east fifty-four poles; thence north sixty degrees east eighty poles; thence forty degrees east eighty poles; thence seventy degrees east one hundred and twenty poles; thence south twenty poles; thence south seventy degrees east ninety poles; thence south thirty degrees east twenty poles; thence south seventy five degrees east forty poles; thence south eighty degrees east one hundred and seventy-six poles; thence south five degrees east ninety-four poles to Smith's Fork, at the mouth of a gully, near John Lamberson's fence; thence up the creek, north sixty-five degrees west eighty-four poles; thence up said creek, twenty degrees west one hundred poles; thence east, crossing Smith's Fork, forty poles; thence south fifty poles; thence south sixty-one degrees east one hundred and sixteen poles; thence east with Kelly's line, sixty-six poles, to the road leading from Smithville to Lancaster, near John Rody's house; thence with said road south thirteen degrees east sixty poles; thence south forty-five east one hundred poles; thence south sixteen degrees east thirty poles; thence with said road south eight degrees east six poles; thence south forty-two degrees east forty-two poles to the DeKalb county line, near said road; thence north with the various corners of said line to the beginning.

SEC. 2. *Be it further enacted*, That the county line between the counties of Fentress and Scott, be so changed that commencing at the north of Scull creek on the Clear Fork, it shall run thence down said river to the South Fork, to the mouth of Honey creek at the old county line.

Fentress and
Scott.

SEC. 3. *Be it enacted*, That the county line between the counties of Scott and Morgan, be so changed as to include the dwelling house and tract of land upon which A. H. Cross now lives, in the county of Morgan.

Scott and Mor-
gan.

SEC. 4. *Be it further enacted*, That the county line between the counties of Van Buren and Bledsoe, be so changed as to include all the lands belonging to John M. Bridgman in Bledsoe county.

Van Buren and
Bledsoe.

SEC. 5. *Be it further enacted*, That the line between the counties of Rutherford and Bedford be so changed as to detach the farm and dwelling of Ben. Webb from Bedford, and attach the same to Rutherford county.

Rutherford and
Bedford.

SEC. 6. *Be it further enacted*, That the line between the counties of Davidson and Robertson be so changed as to run, commencing at the forks of Sycamore creek, the road from Springfield to Nashville, running east with the

Davidson and
Robertson.

meanders of the north prong of Sycamore to the tunnel of the Edgefield and Kentucky railroad.

Jefferson and Grainger.
SEC. 7. *Be it further enacted*, That the line be changed between Jefferson and Grainger counties, so as to include the farm of Mrs. Nancy Senter in the county of Grainger.

White and Putnam.
SEC. 8. *Be it further enacted*, That the county line between White and Putnam counties be so changed as to include Dudley Hunter and the farm on which said Hunter now lives, in White county.

Lawrence and Wayne.
SEC. 9. *Be it further enacted*, That the county line between Lawrence and Wayne be changed so as to include James C. Hollins' lands and residence in the county of Lawrence.

Smith and Wilson.
SEC. 10. *Be it further enacted*, That the line between the counties of Smith and Wilson be changed so as to include the lands of James Holmes upon which he lives, in the county of Wilson.

Hickman and Lewis.
SEC. 11. *Be it further enacted*. That the county line between the counties of Hickman and Lewis be so changed as to include the plantation or farm of Simeon Smith in the county of Lewis.

Polk and Bradley.
SEC. 12. *Be it further enacted*, That the county line between the counties of Polk and Bradley shall be so changed as to commence at the place on the present line, on the north end of said line, where the range line leaves and separates from said line running thence south with said range line until it reaches the south boundary of the first township, in said county of Bradley; thence along said line to the county line where it now exists, so as to include in the county of Polk the land and residence of James B. Cook, Wm. J. Dowell, R. S. Warren, J. Y. Davison, W. S. Norris, John Cate, F. M. Cate, Mathew McNabb, A. Breedwell, and Wm. Singleton.

Davidson and Wilson.
SEC. 13. *Be it further enacted*, That the county line between the counties of Davidson and Wilson, be so changed as to include the farm of Thos. Y. Northern in the said county of Davidson. This act to take effect from its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 19, 1860.

CHAPTER 186.

AN ACT to incorporate the Gay Street Railroad Company of the city of Knoxville, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the formation of a company is hereby authorized for the purpose of constructing a Railroad from the depot of the East Tennessee and Georgia, and East Tennessee and Virginia railroads, in the city of Knoxville, in and along the centre of Gay street, in said city, to its intersection with Main; thence along Main in a westwardly direction until it strikes second creek; and also along any other of the principal streets; and when formed, shall be a body corporate, by the name and style of the Gay Street Railroad of the city of Knoxville.

Gay Street Railroad, of Knoxville.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be twenty thousand dollars, in shares of fifty dollars each; and if that amount be insufficient to build said road, it may be increased by the company to any amount deemed by them necessary for the purpose; and Hugh L. McClung, J. J. Craig and John L. Bridges are hereby appointed a board of commissioners, a majority of whom shall have power to act; who may at such times and places, and upon such terms as they may think proper, open books for the subscription of stock; and when the sum of fifteen thousand dollars shall be subscribed, said commissioners shall appoint a time and place for the stockholders to meet in said city for the purpose of electing a president and three directors to manage the affairs of said company.

Capital Stock.

SEC. 3. *Be it further enacted*, That said company shall have power, by and with the consent of the corporation of said city, to lay down a railroad track through all or any of the principal streets of said city; to equip the same with cars suitable for the transportation of freight and passengers to and from said depots to said city and back, to be drawn by horse power; and to charge a reasonable sum therefor.

SEC. 6. *Be it further enacted*, That each stockholder shall be entitled to one vote for each share of said stock he may hold in said company, in the election of a president and directors, as well as all other matters.

SEC. 5. *Be it further enacted*, That said body corporate shall have power to use a common seal, to hold real estate, to sue and be sued, plead and be impleaded, and to have a succession for ninety-nine years.

South Nashville
Street Railroad
Company.

SEC. 6. *Be it further enacted*, That Isaac Paul, C. K. Winston, Herman Cox, F. O. Hurt, M. C. Cotton, LeRoy Armstrong, D. F. Wilkin, Ira P. Jones and J. B. Lindsley, their associates and successors, are hereby created and constituted a body politic and corporate, under the name and style of the South Nashville Street Railroad Company; and by that name shall have succession for fifty years; may sue and be sued, plead and be impleaded, may have and use a common seal, may receive, purchase and hold real estate and personal property, as may be necessary to carry on the business of the corporation, and the same to have and dispose of at pleasure; may make all needful rules and regulations for their government not inconsistent with the Constitution and laws of the United States or of this State.

SEC. 7. *Be it further enacted*. That said company is incorporated for the purpose of constructing and using a street railroad, from church street, in the city of Nashville, along Market street, College or Cherry streets, to the southern boundary of the corporation, or to the State Fair grounds, as may seem to them most convenient and practicable. And the same rights and privileges, and the same conditions and restrictions are granted and imposed on said company as are contained in so much of the act passed 29th February, 1860, entitled, An act to incorporate the Centreville and Pine River Railroad Company, as refers to and incorporates the McGavock and Mount Vernon Horse Railroad Company.

Capital Stock.

SEC. 8. *Be it further enacted*, That the capital stock of this company shall be one hundred thousand dollars, which may be increased to any sum not exceeding three hundred thousand dollars, should such increase be necessary to carry out the objects of the company. The stock to be subscribed and divided, and the company organized on the same terms and conditions as the McGavock and Mount Vernon Horse Railroad Company.

Louisville and
Nashville Rail-
road Company.

SEC. 9. *Be it further enacted*, That the third section of an act, entitled, An act to incorporate the Louisville and Nashville Railroad Company, passed 4th December, 1851, shall be so amended as to authorize the tariff of charges for freight and passengers to be less on through business, and through business coming from other railroads and transportation lines, than on freight and passengers to intermediate points between Louisville and Nashville: *Provided*, That the tariff rates to and from intermediate points between Louisville and Nashville shall be equal and *pro rata*, in proportion to mileage, whether going north or south.

SEC. 10. *Be it further enacted*, That this act take effect from and after its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, March 19, 1860.

CHAPTER 137.

AN ACT to amend an act passed the present session of the Legislature, entitled, an act to repeal the 28th section of an act passed by the last General Assembly, known as an act for the incorporation of the Elkton and Prospect Turnpike Company.

WHEREAS, By an act of the General Assembly of this State, passed at the session of 1831-'32, a Board of Internal Improvement Commissioners, for the county of Giles was established, a majority of whom were empowered to fill all vacancies occurring in said board, and said board having failed to discharge this part of its duty, until the number now living in said county is less than a majority of the original board; *And whereas*, It is important that said board should have power to act in order to carry out the provisions of the act of the present session, repealing the 28th section of the act of 1858-'59, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the surviving commissioners at present residing in Giles county, be empowered to fill all vacancies now existing in the original Board of Internal Improvement Commissioners, created by an act of General Assembly, of 1831-'2.

Sec. 2. *Be it enacted*, That section 1434 of the Code shall not apply to the Murfreesboro' and Woodbury Turnpike road, or any other road in Cannon county. And that this act take effect from and after its passage.

Murfreesboro' &
Woodbury Turn-
pike Company.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, March 19, 1860.

CHAPTER 138.

AN ACT to establish the 13th Civil District in Dyer county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a civil district is hereby created and established in Dyer county, to be denominated the thirteenth civil district, and be composed of all that portion or part of Dyer county south of the south fork of Forked Deer river.

SEC. 2. *Be it enacted*, That the citizens of said district shall meet at a time and place designated by the sheriff of Dyer county, and determine by a majority vote of all such citizens, who may be present where the place of holding elections shall be in said district for their district officers, as well as for other county officers, and State officers, and electors, and all other officers to be elected by the people in this State.

SEC. 3. *Be it enacted*, That the district officers elected in said district, shall be furnished with books, such as are furnished to the officers of other civil districts.

SEC. 4. *Be it enacted*, That the sheriff shall give ten days' notice at three places in said district, and on the court house door of said county, of the time and place where an election shall be had, to locate said voting place, and that he shall hold the election; and that this act take effect from and after its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.
 TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, March 19, 1860.

CHAPTER 139.

AN ACT to amend the School Laws in the Hiwassee District, and Marion county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That fractional township, number 2, sixth range, east of the Meridian, Hiwassee district, be, and the same is hereby declared to constitute one common school district, without regard to county lines.

SEC. 2. *Be it further enacted*, That said common school district so established, shall be subject to all laws and regulations governing common school districts in this State.

SEC. 3. *Be it further enacted*, That Harvey Richards,

William Pryor and R. E. Davis, of Marion county, be appointed commissioners so survey the second school township, in the county of Marion, north of the Tennessee river, for the purpose of ascertaining who are included in, and are entitled to the benefits arising from the sale of the school-section in said township; and that this act take effect from and after its passage. Marion county.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 19, 1860.

CHAPTER 140.

AN ACT to create and establish the Memphis City Gas Light Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a corporation to be designated and known as the Memphis City Gas Light Company, be, and the same is hereby created and established with a capital stock of one hundred thousand dollars, which may be increased to three hundred thousand dollars, in the discretion of the stockholders therein, and as the wants of their customers may require; that the said stock shall be divided into shares of twenty-five dollars each, to be subscribed and paid as the commissioners hereinafter named may designate, and the said subscribers, their successors, or assigns, shall be, and they are hereby created a body politic and corporate, by the name and style of the Memphis City Gas Light Company, and under that name, may contract and be contracted with, sue and be sued as natural bodies or persons; they shall and use a common seal, which may be altered or changed at pleasure, and may adopt and enforce such by-laws, rules and regulations for the good management and control of the affairs of said company, as may be deemed expedient, not inconsistent with the Constitution and laws of this State, or of the United States: *Provided,* The board of mayor and aldermen of the city of Memphis, shall assent to the privileges herein granted, so far as those privileges affect the rights, interests, and privileges of the corporation of said city, so as to make a compact between the said city and this company, mutually Memphis City
Gas Light Co.

satisfactory, which compact shall be entered upon the minutes kept by the said board of mayor and aldermen, and shall be binding upon the corporation of said city and the said company, but shall in no event, increase or enlarge the privileges herein granted to the said Gas Light Company.

SEC. 2. *Be it enacted*, That the business of said company shall be to construct and establish Gas Works in the city of Memphis, and for that purpose they may purchase and hold, or sell the same at pleasure, as much real estate as may be necessary and expedient for said business, or for the security or payment of any debt that may be due to them.

SEC. 3. *Be it enacted*, That to enable the said company to establish such works, they are hereby authorized and empowered, to lay down pipes and extend conductors and other apparatus, through any or all of the streets, lanes, or alleys, of the city of Memphis, in such manner as to produce the least possible inconvenience to the city, its inhabitants, or travelers, and may take up the pavements or sidewalks, when necessary: *Provided*, That they shall repair the same with the least possible delay.

SEC. 4. *Be it enacted*, That said company shall have the privilege of erecting, and establishing gas works, and of manufacturing and vending gas in the city of Memphis, by means of their works, as aforesaid, for the term of fifty years from and after the date of this act; they may charge a reasonable price for gas, by them manufactured, which shall be uniform throughout said city, and shall not exceed four dollars per thousand cubic feet.

SEC. 5. *Be it enacted*, That if any person shall injure or destroy any portion of the gas works, or other property belonging to said company, or with intent to do such injury, or cause any loss to said company, shall open a communication into any street, or other gas pipes, or shall let on gas, after it has been stopped or cut off by the company, such persons upon conviction, shall be liable for all damages sustained by such act, and also to a penalty, not exceeding five hundred dollars, recoverable in any court of competent jurisdiction, one half of which shall be paid to said company, and the balance to the city of Memphis, and suit therefor, may be brought in the name of either corporation.

SEC. 6. *Be it enacted*, That W. H. Carroll, J. H. Speed, L. V. Dixon, W. R. Hunt, and W. J. Davis, or a majority of them shall be commissioners to open books for the subscription of stock, which shall be kept open until they may deem that a sufficient amount has been subscribed to complete said work; they shall then, by advertise-

ment in the newspapers, give at least thirty days' notice to the stockholders to hold a meeting for the election of a board of five directors, to whom shall be entrusted the management of the affairs of said company, and who shall elect a president from their own number. The election of said president and directors shall be held annually at the office of said company, and they shall hold their office until a new election shall be effected; and if any vacancy should occur, the remainder of said board, may, at their discretion, fill such vacancy; and no person shall hold the office of director as aforesaid, unless he be a stockholder in said company, and a resident of this State; and for each and every share of stock he may hold, each stockholder may cast one vote in all meetings of the stockholders, which may be done in person, or by proxy, in writing.

SEC. 7. *Be it enacted*, That the stock of said company shall be paid in within three years from the organization thereof, in such proportions, and at such times and places as may be required by the directory; and any stockholder failing to pay such instalment, shall, at the discretion of the directory, forfeit to the company all rights, title and interest in and to every share on account of which such default may have been made, or the directory at their option may cause suit to be instituted against such defaulting stockholder for the amount due thereon, and in the event of a forfeiture, the stockholder so forfeiting, shall still be held individually and personally liable to the creditors of the company, who were creditors at the time of the forfeiture, to the full amount unpaid on each share of stock so forfeited, and the directors may dispose of the forfeited shares at their discretion. The company shall not, at any time, by releasing stockholders from the payment of their shares, or any part thereof, nor by any other means discharge such stockholder from his liability to the creditors of the company to the extent of any balance due, or to become due on account of unpaid stock.

SEC. 8. *Be it enacted*, That no transfer or assignment of stock shall become valid, until the same is noted upon the books of the company, nor shall the assignee be entitled to a vote on such stock so assigned, until thirty days' thereafter.

SEC. 9. *Be it enacted*, That a company to be entitled the South Nashville Gas Light Company, shall be established with a capital of one hundred thousand dollars, which may be increased to two hundred thousand dollars, according to the discretion of the stockholders, and the wants of the city of Nashville; and that the stock of this company shall be divided into shares of twenty-five dollars

each, to be paid for, and subscribed to, as the commissioners hereafter named, may prescribe.

SEC. 10. *Be it enacted*, That the subscribers to said stock, their successors and assigns, are hereby created a body politic and corporate, by the name and style of the South Nashville Gas Light Company, and by this name and title shall be capable to contract and be contracted with, sue and be sued, plead and be impleaded, have and use a common seal, which they may alter or renew at pleasure, and may adopt such by-laws as they may think necessary for the company's management, not inconsistent with the Constitution of this State, or of the United States.

SEC. 11. *Be it enacted*, That it shall be the business of said company to establish and construct gas works in the city of Nashville, and it may purchase and hold as much real estate as may be necessary for such purpose, and to secure any debt that may be due them, and that they shall establish a gas manufactory of such capacity, as to supply either the corporate authorities of the city of Nashville, or its private citizens with gas light.

SEC. 12. *Be it enacted*, That to enable the company to establish their gas works, they shall have the power to lay down pipes, and extend their conductors and other apparatus, through any of the streets, lanes, or alleys of the city of Nashville, in such manner as to produce no nuisance to its inhabitants, and to their least inconvenience, and all pavements and side-walks shall be repaired without delay.

SEC. 13. *Be it enacted*, That if any person shall injure or destroy any portion of the pipes, gas fixtures, or other property belonging to said company, or wantonly let on, or stop the gas, when it has been stopped, or let on by the company or its officers, upon conviction thereof, they shall be deemed guilty of a misdemeanor, and punished accordingly, at the discretion of the court, with fine and imprisonment, and shall also be personally liable for all damages sustained by the company.

SEC. 14. *Be it enacted*, That J. O. Griffith, R. C. McNairy, R. B. Cheatham, John Porterfield, W. N. Bilbo, and A. B. Robertson, as commissioners, shall be empowered, not less than any four of them, however, to open books for subscription at such places, and at such times as they alone may designate; and that when the sum of thirty thousand dollars is subscribed, and in the public prints of the city, they shall give notice to the stockholders, when and where to meet; they may elect a board, who shall then and there elect a president, and other officers, such as they deem necessary to manage the affairs of the company; that all elections for directors of the company and other officers,

Commissioners.

shall be held annually, due public notice in the city papers being given, of the time and place of meeting, that no stockholder, who does not own two shares, shall be a director, and that the board of directors shall have power to sell the stock of any delinquent stockholder, who has failed to pay for any portion of the same, or for any instalment imposed by the board, when due notice has been given such delinquent stockholder.

SEC. 15. *Be it enacted*, That all stock subscribed, shall be paid either in gold or silver, within three years from the organization of said company.

SEC. 16. *Be it enacted*, That W. J. Dale, Thomas J. Kelly, Wm. Gallaway, James Andrews, and Nash H. Burt, be, and they are hereby appointed commissioners, to open books for the purpose of receiving subscriptions of stock in order to establish gas works etc., in the town of Columbia, Maury county, Tennessee, and that the subscribers thereto, whenever a sufficient quantity of stock is subscribed, be, and they are hereby incorporated into a body politic, by the name and style of the Columbia Gas Company, and as such entitled to all the powers and privileges, and be subject to the limitations and restrictions in this act.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 19, 1860.

CHAPTER 141.

AN ACT to incorporate the Local Methodist Church United, and to organize them into a Home Missionary Society.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That S. D. Lester, Alfred B. Jones, Elijah Barton, J. B. Hall, Isaac Buck, and as many others as may hereafter join this corporation, either as individuals or church corporations, if received by this corporation or its successors in office, be, and they are hereby constituted a body politic and corporate, by the name and style of the Local Methodist Church; and they, as such corporation, may, by the name and style aforesaid, sue and be sued, plead and be impleaded, and do and perform all things within the general power of other corporations, and espe-

cially such as may be consistent with the interest of said church; and they may have a seal, and have succession for nine-ty-nine years.

SEC. 2. *Be it further enacted*, That said corporation or any three of them, are hereby constituted a quorum to do and perform business; to receive by gifts, or donations, any funds or properties, for the use and benefit of said church; to sell, convey, or otherwise dispose of the same as may best subserve the interests of the same.

SEC. 3. *Be it further enacted*, That said coporation shall, at its next annual conference, organize itself into a Home Missionary Society, by electing a president, secretary and treasurer; adopt its constitution and by-laws for said Missionary Society, which by-laws shall not conflict with the laws of this State, nor the discipline of said church; and they shall do and perform all other business for the interest or promotion of said Society

SEC. 4. *Be it further enacted*, That this act shall take effect from the date of its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN.

Speaker of the Senate.

Passed, March 20, 1860.

CHAPTER 142.

AN ACT to amend the charter of the Memphis City Schools, and to incorporate the Howard Library Association, of Gallatin, Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the fifth section of chapter 170 of the acts passed at the last session of this General Assembly, to wit, on the 20th day of March, 1858. incorporating the Memphis City Schools, be so amended as to authorize the Board of Mayor and Aldermen of said city to levy, annually, a tax for said city schools, not exceeding a ratio of fifteen dollars for every white youth in the city, between the ages of six and eighteen years, instead of ten dollars for each youth between the ages of eight and sixteen years, as provided by said act.

SEC. 2. *Be it further enacted*, That the board of school visitors shall have power to purchase lots, and contract for the erection of school buildings thereon:

Tax.

School Visitors.

Provided, The mayor and aldermen of the city of Memphis, when said power is exercised, shall approve the same: *and provided*, The cost of said lots and buildings shall not exceed the sum of seventy-five thousand dollars, unless authorized to exceed that amount by a vote of the citizens in their respective wards, at an election appointed for that purpose, by the board of visitors; and all contracts and purchases so made shall be binding upon the mayor and aldermen of the city of Memphis, who are hereby required to make immediate provision for the payment of the same, to do which they shall have power to levy a tax in addition to the above mentioned ordinary school tax, upon such property as is taxed for other city purposes, either for the whole or a part of the required amount; and the better to enable them to provide such means promptly, and lessen the burden of immediate taxation, said mayor and aldermen may, at their discretion, issue the bonds of said city, having not more than twenty years to mature, and bearing ten per cent. interest, for all or any portion of the required amount. And all moneys accruing from such tax and bonds shall be paid at once to the treasurer of the board of visitors, subject to the order of said board.

Mayor and Aldermen may issue Bonds.

SEC. 3. *Be it further enacted*, That Joseph S. Fowler, Wm. S. Munday, T. C. Trimble, C. E. Bodie, T. C. Douglas, B. F. Allen, R. Head, Wm. Wright, B. Smith, John J. Turner, and their associates and successors, under the name and style of Howard Library Association, are hereby declared to be a body politic and corporate, under the laws of Tennessee; and by that name shall have perpetual succession and a common seal, with power to alter and change the same at pleasure; and as a body corporate, may receive donations, be vested with the right and title to the property of said association, sue and be sued, plead and be impleaded in any court in this State.

Howard Library Association.

SEC. 4. *Be it further enacted*, That any person who has or shall contribute to the association five dollars in cash, or books to the value of five dollars, shall be considered a member of said association, and entitled to all the privileges of the same; and that the members of the association shall annually elect from their number fourteen trustees, who shall hold their office for one year, or until their successors are elected; said trustees shall power to elect a librarian and such other officers as they think necessary, and shall have power to pass such rules and by-laws as they may think proper and necessary to carry out the purposes of the association.

Trustees.

SEC. 5. *Be it further enacted*, That this act take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 20, 1860.

CHAPTER 143.

AN ACT to unite the City Bank and the Bank of Knoxville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Bank of Knoxville is hereby united to the City Bank, and the two thus united are to be known in law for the future, by the name of the City Bank, which is hereby vested with the rights and charged with the liabilities of both banks.

SEC. 2. *Be it further enacted*, That no new circulation shall be issued hereafter in the name of the Bank of Knoxville; and its outstanding circulation shall be redeemed by the City Bank; and as fast as the notes of the Bank of Knoxville shall be redeemed and surrendered to the Comptroller, he shall issue notes in place of them, if required, in the name of the City Bank; that this act take effect and be in force from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 20, 1860.

CHAPTER 144.

AN ACT to grant the right of way to the Ripley Railroad Company.

WHEREAS, An act was passed by the Legislature of the State of Mississippi, bearing date and approved January

31st, 1857, entitled "An Act to incorporate the Ripley Railroad Company, and for other purposes," and the object of which was, to establish a communication by railroad between the town of Ripley, in the town of Tippah, and State of Mississippi, and some of the great railroad thoroughfares leading to the city of Memphis, in the State of Tennessee, and other places; and whereas it is believed that the said Ripley Railroad Company may wish, according to the provisions of their said act of incorporation, to connect the said railroad with the railroad of the Memphis and Charleston Railroad Company, at some point on the said railroad within the limits of this State, to do which it will be necessary for said Ripley Railroad Company to build their road through a portion of the territory of this State, and that great and lasting benefits will accrue to the people of this State, from the building of said Ripley railroad, which it is desirous they should enjoy: *And, further,* Whereas the Legislature of said State of Mississippi, by an act, entitled, an act entitled "An Act to grant the right of way to the Memphis and Charleston Railroad Company, and for other purposes," bearing date and approved March 1st, 1854, by the 8th section of said act enacted, "That any railroad company now chartered, or hereafter to be chartered in this State, shall have the right to connect their road with the road authorized by this act," now, therefore :

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the said Ripley Railroad Company shall have the unrestricted right of way to construct their said railroad through the territory of this State, entering the State at any point on the southern boundary thereof that they may desire, and passing through it to any point on the Memphis and Charleston Railroad that they may desire, so as to form a connection between the said Ripley Railroad and the said Memphis and Charleston Railroad; and the said Ripley Railroad Company shall have and enjoy all the rights, privileges and immunities granted to it by their said act of incorporation above mentioned; and by the act of the Legislature of the said State of Mississippi, granting the right of way to the Memphis and Charleston Railroad Company above mentioned, and shall be subject to all liabilities and restrictions imposed by the same.

Ripley Railroad
Co.

SEC. 2. *Be it further enacted,* That all acts and parts of acts, inconsistent with the provisions of this act, be, and

the same are hereby repealed ; and that this act shall take effect and be in full force from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 20, 1860.

CHAPTER 145.

AN ACT to charter a Turnpike from Granville to Salt Lick Creek, in Jackson county, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Hugh B. Smith, T. M. Goolsby, Elijah Holleman, Gideon B. Mahan, John Hughes, D. G. Shepherd, James McClarin and John J. Kelly, be, and they are hereby declared a body politic, for the purpose of building a turnpike road to intersect with the turnpike heretofore chartered from Chestnut Mound to Gainsborough, that is to commence at Granville, and lead to and intersect with the Gainsborough and Defeated creek turnpike, at the most practicable point on Salt Lick creek, in Jackson county ; and the said corporation shall have all the powers given such companies by the Code, and shall have all the powers and privileges given the said Gainsborough and Defeated Creek Turnpike Company, by its organic act of incorporation, not inconsistent with the general laws above referred to.

Board of Internal
Improvement
Commissioners
for Giles county.

SEC. 2. *Whereas*, By an act of the General Assembly of 1829, creating a Board of Internal Improvement Commissioners, for the county of Giles ; *and, whereas*, Said commissioners were empowered to fill vacancies occurring in said board ; *and, whereas*, said commissioners having failed to supply such vacancies until the number has been reduced below the original majority ; therefore,

SEC. 3. *Be it enacted*, That the surviving commissioners now living in said county of Giles, be hereby authorized to fill the existing vacancies in said Board of Internal Improvement Commissioners.

SEC. 4 *Be it further enacted*, That the charter of the Jennings's Fork Turnpike Company, granted at the present session of the General Assembly, be so amended, that

instead of making the second coat of rock or gravel, six inches thick, said company may cover the first coat with dirt, and then put a coat of rock or gravel on the same three inches thick, and seven feet wide. Jennings' Fork
Turnpike Com-
pany.

SEC. 5. *Be it further enacted*, That this act take effect from and after its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, March 20, 1860.

CHAPTER 146.

AN ACT to incorporate the town of Middleburg, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the town of Middleburg, in the county of Hardeman, and the inhabitants thereof, are hereby created a body politic and corporate, with the name and style of the Mayor and Aldermen of the town of Middleburg, with all the rights, powers and immunities granted to the town of Saulsbury, in the county of Hardeman, by a previous act of this present session of the General Assembly. Middleburg in-
corporated.

SEC. 2. *Be it further enacted*, That it shall be the duty of the sheriff in the aforesaid county, in person or through his deputies, to hold an election in the town of Middleburg, on the first Saturday in April next, for the purpose of electing the officers of said corporation, the same officers as provided for the town of Saulsbury, having the same duties, liabilities and obligations, and ever thereafter the same officers shall be elected in the same way and at the same time as provided in this act incorporating the town of Saulsbury, only it shall be the duty of the constable of the civil district in which the town of Middleburg is situated to hold such elections. Election of off-
cers.

SEC. 3. *Re it further enacted*, That said corporation be bounded as follows: commencing on the road leading to Somerville, at E. Bryants', including said E. Bryants and Thomas Bryants; thence with the Moscow road to D. H. Marsh's, including said Marsh's premises; thence due south to the LaGrange road; thence north-east to J. R. Sexton's, Boundaries.

including premises of said Sexton; thence north-east to Dr. D. J. Newbern, including the premises of said Newbern and James Strivers; thence in a western direction on a straight line to the commencement.

Precinct.

SEC. 4. *Be it further enacted*, That it shall be the duty of the sheriff of Hardeman county, in person or through his deputy, to open the polls and hold an election in the town of Middleburg, in all federal, State, county and district elections, as at other precincts.

Corporate limits
of Clarksville.

SEC. 5. *Be it further enacted*, That that section of the country comprised within the following limits, to wit: beginning on the line of the south boundary of said town as heretofore established, at the Cumberland river, running east with Roberts' line to the corner of Roberts' addition, to said town, and from thence to Elder's spring, so as to include the same; thence northeastwardly to a point in the Nashville road, so as to include the brick building of John Bullard, east of and adjoining the present residence of E. R. W. Thomas; thence north to a point on the old Russellville road, where the turnpike leaves the same; thence to the lower Red river bridge; thence to the middle of said river; thence down said stream to the middle of Cumberland river; thence up the middle of Cumberland river to a point opposite the beginning point; thence straight to the beginning; and the inhabitants thereof are hereby incorporated and constituted a body politic and corporate, by the name and style of the city of Clarksville, and shall have perpetual succession, and by their corporate name may sue and be sued, plead and be impleaded, grant, sell, purchase and hold property, real and personal and mixed, and may have and use a corporate seal, changeable at the pleasure of the city council: *Provided*, That the citizens included within the limits hereby established, who were not included in the former limits of the city of Clarksville, as prescribed by the act of 1855-'56, chapter 32, be exempt from railroad taxes, and that the ordinary revenue assessed and collected from said citizens be applied exclusively to improvements to be made in that portion of the city, by this act added to the corporate limits of the city of Clarksville for five years, after which time it shall become a part of the general revenue of the city, to be applied as other moneys of the city, the persons included, however, to be liable for school tax as other persons.

SEC. 6. *Be it further enacted*, That the corporation aforesaid shall have full power and authority, by ordinance within the limits aforesaid; 1st, to levy and collect taxes

upon all property in said limits taxable by law for State purposes; and upon all privileges and polls in said limits taxable by the laws of the State; to appropriate money and provide for the payment of the debts and expenses of the city, and to borrow money so as not to exceed twenty-five thousand dollars of borrowed money at any one time, not including, however, the present debt of the city; nor any bond or note or other security given or which may be given therefor, but said amount may be borrowed in addition to the present liability: *And provided further*, That the mayor and aldermen shall issue no bond of the city for raising money having longer than five years to run, nor sell any bond for less than eighty-five cents on the dollar; to make regulations to prevent the introduction or spread of contagious or infectious diseases into the city; to make quarantine laws, for that purpose, and to enforce the same to the distance of two miles from the city, and to establish, build and regulate hospitals; to establish and support a system of free schools and regulate the same, so as to secure the most efficient management, and to prevent sectarian or denominational influence, and for the purpose may levy and collect a tax not exceeding one tenth of one per cent. on property, and twenty-five cents on polls in addition to the ordinary revenue to be collected, as other revenue to be appropriated in aid of the common schools of the 12th civil district, so long as the same are or may be located in the corporate limits of the city, or to such schools as the mayor and aldermen may establish in the event of the removal of said district schools beyond the limits of the city, and to be paid to the order of the school commissioners for said city or district, by the treasurer of said corporation; to make and enforce regulations to secure the general health of the citizens; and to prevent and remove nuisances; to provide the city with water, by water works within or beyond the boundaries of the city; to open, alter, abolish, widen, extend, grade, establish, pave, define boundaries, close and clean, keep in repair and improve streets, alleys, and sidewalks or have the same done; to erect, establish, keep in repair, open or close, or remove bridges, culverts, sewers, gutters, hydrants and cisterns, on the square, streets and alleys; to provide for lighting the streets and alleys; to establish, support and regulate a day police, or a night watch and police, or both, and to appoint a special police when in the opinion of the Mayor, the same may be deemed necessary; to erect market houses, establish markets, regulate, change or abolish the same; to provide for enclosing, improving and regulating the public grounds belonging to the city, in

Powers of the
corporate author-
ities.

or out of the corporate limits ; to improve and preserve the navigation of the Cumberland river within the city, the limits of which shall extend to the middle of said river; to erect, repair and regulate public wharves, docks and landings, and to fix the rate of wharfage thereat, not extending, however, to any now owned by private persons, unless by purchase or gift, the city becomes the owner; to regulate the stationary, anchorage and moorings of vessels, watercraft and rafts at other places than wharves within the city ; to tax, license, and regulate auctioneers, auction houses, groceries, merchants, retailers, taverns, brokers, coffee-houses, confectioneries, hawkers, peddlers, livery stables, livery stable keepers, negro traders, bankers, banks, bank agencies, provision dealers, jewelers, dealers in stationery, insurance companies, insurance agencies, warehousemen, negro yards, distilleries, receiving, forwarding and commission houses, wharf boats, their owners or occupants, dealers in money or negotiable paper, express companies or agencies, Jenny Lind tables, billiard tables, or the owners or renters thereof, hackney coaches or carriages, carts, wagons, drays and all other vehicles for hire, and fix and enforce and regulate the rates to be charged for the carriage of persons and of property within the city, and to the public works or property of the city out of the limits of the city ; to license, tax and regulate porters, and fix and enforce the rates of portage within the city, and to the property of the city out of the city limits ; to license, tax, and regulate theatrical, animal, circus, and all other exhibitions, sleight of hand shows, and amusements, save paintings and sculpture ; to regulate, fine, and suppress all disorderly houses, assignation or bawdy houses, and gambling houses ; to provide for the prevention and extinguishment of fires, to organize, establish and equip fire companies, hose companies, and hook and ladder companies, regulate, restrain or prohibit the erection of wooden or combustible buildings in any part of the city ; to regulate and prevent the carrying on of manufactories dangerous in causing or producing fires ; to regulate the storage of gunpowder, tar, pitch, rosin, saltpetre, gun cotton and all other combustible or explosive material, and the use of lights, candles and stove pipes in stables, shops and all other places in the city, the cleansing, burning and sweeping of chimneys or stove pipes in the city, and to fine, regulate and prevent the discharging, firing or shooting of guns, pistols, fire crackers, and all species of fireworks in the city ; to establish standard weights and measures, and regulate the weights and measures used in the city in all

cases not provided for by law, and to enforce the use of the State and city weights and measures ; to provide for the inspection and measuring of lumber, and all other building material ; to provide for the inspection, weighing or measuring of all kinds of coal, wood and fuel, hay, corn, fodder, and all other kinds of grain or provender ; to provide for and regulate the inspection of all meats, breadstuffs, oils, whisky, and other spirits in barrels, hogsheads, and other vessels, to be sold in the city ; to regulate the inspection of butter, lard and other provisions ; to regulate the vending of meats, poultry, game, vegetables, and all other provisions ; to restrain, fine, and punish the forestalling of provisions, and to suppress, fine and prevent huckstering ; to regulate the police of the city ; to impose fines, forfeitures and penalties for the breach of or to enforce any ordinance, to provide for their recovery and appropriation ; to provide for the arrest and confinement until trial of all riotous or disorderly persons within the city at any time ; to authorize the arrest and detention of all free negroes, slaves or suspicious persons found violating any ordinance of the city ; to regulate the time and circumstances at and under which free negroes or slaves may be absent from their respective places of abode, and ordain the punishment for a breach of such regulations ; to prevent and punish by pecuniary penalties, all breaches of the peace, noise and disturbances, or disorderly assemblies in any street, house or other place in the city, at any time ; to fix from time to time city wards, and the number and limits thereof, and make regulations therefor ; to prevent and remove all encroachments into and upon any street, alley lane or avenue established by law, use, or ordinance, to remove all obstructions from the sidewalks, and to provide for the construction and repair of all sidewalks and curbstones, and for cleansing the same, and all gutters or streets, at the expense of the owner of the ground fronting thereto, and to regulate the running at large, and the tying and fastening on the streets of all cattle, horses, mules, stock, and to regulate and prevent the stationing, placing, or leaving of teams and wagons on the public thoroughfares, and fast riding or driving on the same ; to pass all ordinances and enforce the same, necessary to carry out the foregoing or ensuing powers and the objects of the incorporation, not contrary to the laws of the land.

SEC. 7. *Be it further enacted*, That all ordinances and resolutions heretofore passed, enacted, or ordained by the mayor and aldermen of Clarksville, and in force at the passage of this act, shall remain and be in full force and effect

until altered, amended, repealed or they expire by limitation.

This charter a public law.

SEC. 8. *Be it further enacted*, That this charter is declared to be a public law, and may be read as evidence in all courts without proof or special pleading, and shall be amended or altered by the General Assembly of the State of Tennessee, in the following manner, and in no other way; whenever an amendment or alteration to the charter is proposed, it shall be first passed by the General Assembly, and then submitted to the vote of the qualified voters in the city at such time and place as the mayor and aldermen may appoint, and if a majority of those voting ratify the alteration or amendment, it shall become a law and be a part of this charter, otherwise, the same shall not become a law.

Digest of corporation laws.

SEC. 9. *Be it further enacted*, That there shall be prepared and published by the city council, a digest of all existing laws, ordinances, and resolutions of a public nature now in force within six months after the passage of this act, and a like digest every three years thereafter, and they shall publish in hand-bills, or in the newspaper having the largest circulation in the city, all laws or ordinances by them passed as soon after their passage as practicable.

Work-house.

SEC. 10. *Be it further enacted*, That the city of Clarksville aforesaid, shall have power to erect, or purchase or rent, and organize and regulate a work-house in or near said city, and any person who shall fail, refuse or neglect to pay any fine or costs imposed on him under any ordinance of the city, shall be committed to the work-house, until such fine and cost be fully paid; every person so committed to the work-house shall be required to work for the city, at such work as his or her health and strength will permit, within or without the work-house, not exceeding ten hours each day, (Sundays excepted) and for such work shall be allowed fifty cents per day and board, until the whole fine and costs are discharged, when said person shall be released: *Provided*, That no person shall be compelled to work longer than three months for any one offense.

SEC. 11. *Be it further enacted*, That for any expense paid by the city under the 25th clause of section 6, of this act, the said city of Clarksville may recover the amount so paid, by action of debt or assumpsit, for money paid to the use of said owner or persons, by any jurisdiction having cognizance thereof; said payment and debt being a lien on the lot of said owner for eighteen months.

Commissioners.

SEC. 12. *Be it further enacted*, That the mayor and aldermen of said city shall annually elect a commissioner, whose duty it shall be, within thirty days thereafter, to take

list of said taxable property, and polls and privileges exercised in said corporate limits, which list shall be returned to said city council, and recorded in the books of said city; and on said return, or an estimate thereof, by the commissioners (who is hereby empowered to administer oaths) in making said lists as a county assessor; The said mayor and aldermen shall then assess and levy taxes for the current year: *Provided*, Their taxes for any one year shall not exceed fifty cents on each one hundred dollars of the value of said property; save and except such special taxation as may now or hereafter be allowed the mayor and aldermen of Clarksville; and the railroad tax now allowed by law for the city of Clarksville over and above the rate by the General Assembly aforesaid; and after said levy, the commissioners shall extend the amount due from each person on said list, and return also a duplicate; the city of Clarksville may alter the valuation in said list, and may add to the list any property found to be omitted by the assessor at any time during the year for which the tax is assessed, either before or after the list is recorded; the mayor and aldermen shall direct the manner of listing the taxes, and prescribe what the tax list shall show, which shall be sworn to by the commissioners before the mayor, or justice of the peace.

Sec. 13. *Be it further enacted*, That the recorder of said city, within twenty days after the return of said list, shall record the same in the books of his office, and shall deliver a copy thereof, signed by the mayor and recorder of said city, to the city marshal of Clarksville, take his official receipt therefor which copy shall be held, and deemed a writ of *fieri facias* against the personal effects of the person therein named; and the said city marshal shall have the same power and authority under said copy to collect said taxes, that constables now have under writs of *fieri facias* issued by justices of the peace.

Sec. 14. *Be it further enacted*, That whenever the city marshal shall not find within said corporation, personal property of value sufficient to satisfy the taxes of any person mentioned in said transcript, he shall return the fact upon said list, and thereupon the mayor shall issue an execution against the real estate of the party, to be found in said corporate limits, and the city marshal shall return the same to the next Circuit Court thereafter for the county of Montgomery; and said court shall thereupon condemn said land to be sold, shall award a writ of sale, to the sheriff of said county directed, who shall sell under the same, and make returns as in other *venditioni exponas*.

SEC. 15. *Be it further enacted*, That equitable as well as legal estates in land may be levied on, to enforce the collection of said taxes, and the purchasers thereof, under the sale made by the sheriff as aforesaid, shall be substituted to all the rights of the former owner ; The sheriff after the return of the writ of sale, shall, upon request of the purchaser, make to him a fee simple deed for the land sold : *Provided*, It shall be subject to redemption as other lands sold under execution.

SEC. 16. *Be it further enacted*, That taxes assessed by the city council on real estate, shall be a lien thereon for eighteen months.

Recorder.

SEC. 17. *Be it further enacted*, That the recorder of said city shall have concurrent jurisdiction with the justices of the Peace for Montgomery county, of all cases of a criminal nature arising within the limits of said city, subject to and regulated in every respect by the laws that govern proceedings before justices of the peace, and for this purpose may use the county jail of said county, and may send the city marshal into any part of Montgomery county, to execute process in such cases, which the said city marshal is hereby empowered and authorized to execute and return, according to the laws governing constables in like cases, any where in said county ; and the city marshal may appoint one deputy, and the mayor and recorder of said city, each, shall have authority to administer oaths and affirmations, and to take depositions in the same way, and for the same purposes, and for the same fees, and under the same laws as justices of the peace.

Fines, &c.

SEC. 18. *Be it further enacted*, That fines and forfeiture, and penalties, for the breach of the *by-laws* and ordinances of said corporation, may be recovered before the recorder or any justice of the peace for Montgomery county, and said recorder or justice of the peace shall have power to issue process, either summons or *capias* and subpoena, render judgment, issue execution, demand bail, or commit to the workhouse as is herein provided, the proceedings to be regulated by the laws governing justices of the peace, and by this act giving either party the right to appeal to the Circuit Court, as in other cases.

SEC. 19. *Be it further enacted*, That the ordinances or laws of said corporation imposing fines, penalties and forfeitures, shall be construed remedially, and the statute of *Jeofails* shall apply to all process or proceedings issued or done under this act, by the mayor, recorder, or any justice of the peace, or any other officer ; and the process may be amended from time to time, so as to promote the attainment

of justice, and all process issued by the mayor, recorder, or any justice of the peace, may be directed to the city marshal or to any constable of the county, who shall execute and return the same as other process issued by justices of the peace.

SEC. 20. *Be it further enacted*, That the recorder or any justice of the peace may commit to the workhouse, for three months or less, any person or persons who have no **Vagrants.** apparent means of subsistence, or neglect applying themselves to some honest calling for the support of themselves and families; every person so offending who shall be found sauntering about neglecting his or her business, and endeavoring to maintain himself or herself by gaming or other undue or indecent means, or who makes no endeavor to support himself or herself, it shall and may be lawful for either of the above named officers, on oath, made to issue a warrant for said person or persons arrest; and on failure of said person or persons giving bond and security for his good behaviour, or the refusal or neglect to do so, either of said officers may commit him to the work-house for any time not exceeding three months, under the regulations of said work-house, and the funds arising from the work of said person shall be appropriated to the support of his family, if he have one, if not, to the payment of said persons debts, if any they have, if not, to be paid to said person at the expiration of the terms; which punishment may be inflicted as often as the person may be guilty, allowing thirty days between the punishment and the offence: *Provided*, Said person shall have the right to demand and have a trial by jury before said officers, who are authorized to have the jury summoned and sworn; and an appeal may be taken upon giving bond and security for costs and for appearance at the next Circuit Court for Montgomery county.

SEC. 21. *Be it further enacted*, That the city marshal (or such other person as the mayor may appoint), of Clarksville, shall hold an election at the court house in **Election of officers.** Clarksville, on the first Saturday in October, after the passage of this act, and on the first Saturday in October, in each and every year thereafter, for the purpose of electing a mayor, eight aldermen and a recorder and city marshal, each for one year, and until their successors are qualified, commencing on the first day of February next thereafter; and all persons having a freehold in said city, **Qualification voters.** and all persons who shall have resided in said city for six months next preceding said election, and would be qualified to vote for members of the General Assembly, shall, if they have paid all fines and forfeitures by them due and owing

to said corporation, be entitled and qualified to vote, and no person shall be eligible as an alderman or mayor unless he be a citizen or freeholder of said city; the eight persons receiving the highest number of votes for aldermen, and the person receiving the highest number of votes for mayor, and the person receiving the highest number of votes for recorder and city marshal, shall be taken to be duly elected to said offices, subject to a contest as in county elections; and the city marshal shall deliver a certificate of election to each of said persons so receiving the highest number of votes as aforesaid; in case of vacancy in any of these offices from any cause, the mayor and alderman, or the aldermen, as the case may be, shall elect some person or persons to fill the vacancy or vacancies; said mayor, recorder and aldermen before assuming their respective offices, shall take an oath before the mayor in office, or some justice of the peace for Montgomery county, to demean themselves in their official capacity faithfully, uprightly and honestly: *Provided, however,* Whenever the city council lays the city off into wards, each ward shall be entitled to one alderman, to be elected by the qualified voters of said ward, and the election shall be held pursuant to the regulations made for the wards by said council, and at the times mentioned in this act.

• SEC. 22. *Be it further enacted,* That the treasurer, market master, police officers, and all others whose election is not heretofore provided for, shall be elected by the aldermen for the unexpired term, unless removed by the board for cause shown, and said council may require of each of those officers bond for the discharge of their duties, with good security, in such sums as they may deem proper, and may remove either of them for cause from office; in the absence of the mayor, the aldermen may appoint a mayor *pro tem.*, and transact any business that they could, were he at the meeting.

CITY SURVEYOR. SEC. 23. *Be it further enacted,* That said mayor and aldermen shall have power to appoint, at any time and for any period not exceeding their own unexpired term of office, a city surveyor, and define his duties, and his pay; and his report and acts and evidence shall be equal in every respect to those of a county surveyor within said corporate limits, or about the property of the corporation without said limits.

SEC. 24. *Be it further enacted,* That all acts inconsistent with this act are hereby repealed, and that the mayor and aldermen are hereby authorized, if by them deemed necessary or expedient, to build a new bridge at the site of the upper Red river bridge, over Red river, and for this

purpose may issue bonds of the city to raise funds, which bonds so issued shall not constitute a part of the twenty-five thousand dollars hereby authorized in section — of this act, and may have such time to run as the mayor and aldermen may prescribe: *Provided*, That the tolls arising from said bridge shall be exclusively appropriated to the payment of the bonds so issued.

SEC. 25. *Be it further enacted*, That Chickasaw City, in the county of Shelby, and the inhabitants within the following boundaries, beginning on the east bank of the Mississippi river, where the centre of Georgia street, intersects the river; thence down the river to where the southern range of Walker avenue strikes it, which is south of Gaines street; thence east along the southern range of Walker avenue to the Hernando road; thence north-westwardly along said road to where Georgia street extended reaches it; thence west along the centre of said Georgia street to the beginning, are hereby constituted a body politic and corporate, by the style and name of the Mayor and Aldermen of Chickasaw City, and shall have succession for ninety-nine years; by their corporate name shall sue and be sued, plead and be impleaded, grant, receive, purchase and hold real, mixed and personal property, or dispose of the same for the benefit of said city, and may have and use a common seal.

Chickasaw City
Incorporated.

SEC. 26. *Be it further enacted*, That the corporation aforesaid, shall have full power and authority to enact such laws and ordinances necessary and proper to preserve the health of the city, prevent and remove nuisances; to establish a night watch and patrol; to ascertain, when necessary, the boundary and location of streets, alleys and lots, with the consent of the proprietors of the lots adjoining such streets, lanes and alleys; to provide for licencing and regulating auctions; to restrain and prohibit gaming and gambling, and to provide for licensing, taxing, regulating and restraining theatrical or other public exhibitions within the city; to have and keep in repair the streets; to erect wharves and to regulate the rates of wharfage; to establish the necessary inspections, and to regulate the markets; and to appoint a recorder, treasurer and city constable; to provide for the establishment and regulation of fire companies; to impose a fine for the erection of combustible and dangerous materials; to erect and regulate water-works, for supplying the city with water; to impose and appropriate fines and penalties for the non-observance of their by-laws or ordinances; to levy and collect taxes for the purpose of carrying the necessary measures into operation for the benefit of said city; and to pass all other necessary laws and ordinances for the benefit of said city, which may

Powers of corporate authorities.

not be incompatible with the constitution and laws of the United States or of this State.

on residents. SEC. 27. *Be it further enacted,* That the laws and ordinances of said corporation shall be in no wise obligatory upon the persons or property of non-residents of said city, being citizens of this State, unless in case of intentional violation of the by-laws and ordinances promulgated: *Provided, however,* That the property of such non-residents shall be taxed as other property in said city.

Fines, &c. SEC. 28. *Be it further enacted,* That fines, penalties and forfeitures imposed by the by-laws and ordinances of said corporation, shall be sued for and recovered as other moneys are under the existing laws of this State, by the mayor and aldermen of said corporation, and for the use of said city.

Election of Aldermen. SEC. 29. *Be it further enacted,* That the sheriff of Shelby county, by himself or deputy, shall hold an election in the said city, on the first Monday in April, 1860, and on the same day in each and every year, for the purpose of electing seven persons to serve as aldermen for the corporation of said city of "Chickasaw City," for one year, commencing on the second Monday of the same month thereof, and all persons owning a free-hold in said city, and also all persons residing in said city who would be qualified to vote for members of the General Assembly, shall be qualified to vote for mayor and aldermen; and no person shall be eligible to the appointment of alderman unless he be a resident citizen of said city of Chickasaw City.

Mayor. SEC. 30. *Be it further enacted,* That the seven persons qualified as aforesaid, having the highest number of votes at any election held as aforesaid, shall be held duly elected, and the sheriff of said county of Shelby shall, within two days thereafter, give each of the seven aldermen elected a certificate of his election, and it shall be the duty of the persons so elected to meet in the said the Saturday next succeeding the day of their election, and the aldermen then and there assembled, or a majority of them, shall proceed to elect, by ballot, one of their number, to be mayor of said corporation for the time for which aldermen were elected as aforesaid, and when any mayor of said corporation shall die or remove out of said city, or resign, another election shall be made by the aldermen in the manner aforesaid, another person for the time then unexpired, and when any alderman shall die, remove or resign, such vacancy may be filled by the mayor and aldermen of said city, at any regular meeting, and the person or persons so appointed shall serve until next election.

SEC. 31. *Be it further enacted*, That the city constable appointed by said corporation shall continue in office for two years from the time of his appointment, and shall, on entering on the duties of his office ; give bond and sufficient security to the mayor and aldermen, for the time being, in the sum to be approved of by them, for the faithful discharge of his duties, and accounting for all moneys by him collected ; and the recorder and treasurer shall continue in office for one year, and their compensation shall be regulated by the board ; the treasurer shall execute a bond with good security for the faithful discharge of his official trust. Constable.

SEC. 32. *Be it further enacted*, That the Mayor and aldermen, the constable, recorder and treasurer before entering upon the duties of their appointment, shall each take an oath or affirmation before some judge or justice of the peace, faithfully to discharge their respective official trusts.

SEC. 33. *Be it further enacted*, That when any tax or duty shall be imposed upon any real estate lying within the bounds of said corporation, and said tax not being paid by the owner or occupiers of the same, and there should not be any personal property within the limits of said corporation upon which the same could be levied, that it shall be the duty of the recorder to certify the same to the Circuit Court of Shelby county, at the term to which the sheriff of said county is required to report lands in his county on which the State and county tax has not been paid, and upon such report at said term, it shall be the duty of the Circuit Court to enter judgment for the tax due said corporation, in the same manner that judgments are required to be entered for the non-payment of the tax due the county, and sold at the same time and in the same manner, and subject to the same rules and restrictions that are by law required for the sale of lands lying within said county, on which the State and county tax is not paid, which tax, when collected by the sheriff, as provided for in this section shall be paid by him into the hands of the city constable for the use of said corporation, and which sale, when made in the manner aforesaid, shall vest the same right and title to the purchaser, as if the sale had been made for taxes due this State.

SEC. 34. *Be it further enacted*, That nothing in this act contained shall be so construed as to authorize the mayor and aldermen to establish ferries on the Mississippi river, or to impose any tax upon the public grounds or promenades, or upon any lot or lots set apart for academies and churches.

SEC. 35. *Be it further enacted*, That so much of an act passed at the present session of the General Assembly, as gives the corporate authorities of the town of Centreville, Centreville.

power to dispose of any of the streets of said town, be, and the same is hereby repealed.

Harrison. SEC. 36. *Be it further enacted*, That all laws upon the subject of corporations, so far as they apply generally or specially to the town of Harrison, Hamilton county, Tennessee, be, and the same are hereby repealed.

Morris Creek incorporated. SEC. 37. *Be it further enacted*, That the town of Norris Creek, in the county of Lincoln, be, and the same is hereby incorporated with all the rights and privileges granted by this act to the city of Clarksville, and the boundary of the corporation shall be as follows: Commencing at an old blacksmith shop, thence north one-half mile and extending two hundred yards each way from the turnpike east and west.

Bolivar. SEC. 38. *Be it further enacted*, That so much of an act passed at the present General Assembly, to extend the limits of the corporation of the town of Decaturville, and for other purposes, as changed the corporate limits of the town of Bolivar, in Hardeman county, be, and the same is hereby repealed.

Winchester. SEC. 39. *Be it further enacted*, That the mayor of the town of Winchester, the board of mayor and aldermen of said town, and the constable of said town, shall severally and collectively, have, exercise and enjoy all the rights, privileges, and immunities, and be subject to all the penalties imposed by sections 12, 13, 14, 15, and 16, of the act of 1858, chapter 50, entitled, an act to amend the charter of the city of Knoxville, and to incorporate the town of Manchester, in Coffee county, &c., &c.

Boundaries. SEC. 40. *Be it further enacted*, That the corporate limits of said town shall be extended so as to run as follows: Beginning at a point on the Boiling Fork of Elk river, above that portion of the old Judge Green place, now occupied and owned by James H. Davis, which is occupied as a garden, horse lot and barn; thence so as to include said portion of said land, and on in a straight line so as to include Wiley S. Embry's property, to the north-east corner of John T. Slater's yard, thence around his house and lot; thence in a straight line so as to include the grave yard, to a point from which a line at right angles will strike the Huntsville stage route so as to include the depot grounds, and the new house now being built by William McNairy; thence with said Huntsville road to the end of the lane, between S. J. Embry and the lot lately occupied by John P. Hefner; thence along said lane and the line of C. R. Emby, and John Frizzell, with the old road to the road leading to and by J. N. Syles' residence; thence up said road to a point from which a straight line ran to the road leading

to the Winchester Springs, so as to include Rev. A. J. Baird's house and lot, and Miller Lumey's and James M. Porter's house and lot; thence with said lane and in a straight line to the Boiling Fork, and with the same to the beginning.

SEC. 41. *Be it further enacted*, That the persons included in said corporate limits not heretofore in the same, may at any time within six months after this act takes effect, notify the board of mayor and aldermen of said town of their desire not to be included therein, and this act as to such shall be inoperative and void.

SEC. 42. *Be it further enacted*, That a company is hereby created with the title of the Episcopal Publishing Company, in the city of Memphis, with a capital of fifty thousand dollars, which may be increased to two hundred thousand dollars. Episcopal Publishing Co.

SEC. 43. *Be it further enacted*, That the stock of said company shall be divided into shares of one hundred dollars each.

SEC. 44. *Be it further enacted*, That the subscribers to said stock, their heirs and assigns, are hereby created a body politic, by the name and style above mentioned, and in and by said name have power to contract and be contracted with, to sue and be sued, to have and use a common seal, and the same to alter or destroy at pleasure, to borrow money upon their bonds, for such amounts, conditions, times and rates of interest (not to exceed ten per cent) as may be agreed on by the parties, shall have power to elect all officers necessary to carry out the purposes of the organization, to establish all rules, regulations, or by-laws that may be deemed proper by the directors; to purchase, hold, sell, or exchange any amount of real or personal property necessary or proper for the legitimate uses of said company.

SEC. 45. *Be it further enacted*, That John Millington, W. B. Richmond, James H. Otey, Jere Clemens, and L. D. Stickney, or a majority of them, are hereby appointed Commissioners. commissioners to open books at such times and places as to them may seem proper, for the purpose of receiving subscriptions to the capital stock of said company; and they may keep the same open until the sum of twenty thousand dollars has been subscribed, when they shall call a meeting of the stockholders for the purpose of electing a board of five directors, to whom shall be intrusted the management of said company; they shall elect a president of the board from their own number and have power to fill vacancies in their board, the election of said board shall be held each year or longer, if it is deemed proper by the stock-

holders, and the first board elected shall hold until their successors have been appointed or elected.

SEC. 46. *Be it further enacted*, That each and every stockholder shall be liable for the full amount of stock subscribed by him, and the payment in full to the authorized agent of said company or as the board of directors shall order, and when such amount of stock shall have been fully paid, the subscribers so having fully paid, shall be released from any further liability.

SEC. 47. *Be it further enacted*, That the company hereby incorporated shall have existence and succession for the term of fifty years.

SEC. 48. *Be it further enacted*, That the stock may be transferred by assignment, but the original stockholder and assignee shall be bound until the stock be fully paid in, and each stockholder shall be entitled to one vote for each share of stock held by him, which may be given in person or by proxy; and this act take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 19, 1860.

CHAPTER 147.

AN ACT to incorporate the Desoto Savings Institute of Memphis; the Eureka Savings Institute of Athens, and the Look Out Savings Institute.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That William Richardson Hunt, H. T. Lemmon, F. H. Clark, Jesse M. Tate, James Ross, and Wm. Joyner, and their associates and successors, be, and they are hereby created a body politic and corporate by the name and style of the "Desoto Savings Institute of Memphis, Tennessee," and by that name shall have succession, sue and be sued, plead and be impleaded, and generally do every act and thing necessary to carry out the provisions of this act, and promote the object and design of this corporation.

SEC. 2. *Be it further enacted*, That the capital stock of said company, shall be divided into shares of fifty dollars each, and when two hundred shares shall have been subscribed, and one dollar per share paid thereon, the stock-

Capital stock.

holders may meet and elect five directors, who shall be elected and enter upon their duties, and said directors shall elect one of their number to be president during their term of office.

SEC. 3. *Be it enacted*, That said president and directors shall and may adopt and use a common seal, and alter the same at pleasure; may make and adopt proper and necessary by-laws for their government; may appoint all necessary officers and agents; fix their compensation, and take bond and security for the faithful discharge of their duties; they may prescribe the manner of paying in the stock, and of the transfer thereof; said institution shall have a lien on the stock for debts due it by the stockholders before and in preference to other creditors, except the State, for taxes, and shall pay to the State an annual tax of one-half of one per cent. on each share of capital stock which shall be in lieu of all other taxes whatever.

SEC. 4. *Be it further enacted*, That said institution may discount notes, may buy and sell stocks, deal in exchange, and gold and silver bullion, may purchase and hold a lot of ground for the use of the institution as a place of business, and at pleasure sell and exchange the same, and may hold such real or personal property and estate, as may be conveyed to it, to secure debts due the institution, and may sell and convey the same; it may receive on deposit any and all sums not less than one dollar per week, offered as stock deposits, and infants and *femes covert*, may deposit therein and control the deposits so made, which shall be for their own separate use, free from other contracts or control whatever, and when such deposits shall amount to fifty dollars, it may, at the option of the depositor, become stock in the institution; it may receive and pay out other general or special deposits, and allow such interest thereon as may be agreed upon, not exceeding that allowed by law, and twice per year declare and pay to stockholders a dividend of profits, but said institution is hereby expressly prohibited from issuing notes, certificates or other paper for the purpose of being used, or which shall have a tendency to pass and be used as a circulating medium, but may sell its checks for moneys actually at its credits, at other points than its place of business.

SEC. 5. *Be it further enacted*, That George W. Ross, R. C. Jackson, Thomas A. Cleage, John L. Bridges, Milton T. Philips, and A. Blizzard, their associates and successors, are hereby created and constituted a body politic and corporate by the name and style of the "Eureka Savings Institution of Athens," and under that name and style may sue

Eureka Savings
Institute.

and be sued, plead and be impleaded, and shall possess and enjoy all the rights and benefits, exercise all the privileges; and be subject to all the restrictions and penalties which are conferred and imposed upon the Desoto Savings Institute of Memphis.

SEC. 6. *Be it further enacted*, That this act shall be in force from and after the date of its passage, and shall remain in force fifteen years.

SEC. 7. *Be it further enacted*, That James C. Warner, John L. Divine, Thomas Crutchfield, William E. Kennedy, and Frank Faust, and their associates and successors, be, and they are hereby created a body politic and corporate, by the name and style of the "Look Out Savings Institute" and by that name shall have succession, sue and be sued, plead and be impleaded, and generally to do every act and thing necessary to carry out the provisions of this act and promote the object and design of this corporation.

Look Out Savings Institute.

SEC. 8. *Be it further enacted*, That the capital stock of said company shall be divided into shares of fifty dollars each, and when two hundred shares shall have been subscribed and the sum of one dollar per share paid thereon, the stockholders may meet and elect five directors, who shall be elected and enter upon their duties; and said directors shall elect one of their number to be president during their term of office.

Capital Stock.

SEC. 9. *Be it further enacted*, That said president and directors shall and may adopt and use a common seal, and alter the same at pleasure, may make and adopt proper and necessary by-laws for their government, may appoint all necessary officers and agents, fix their compensation, and take bond and security for the faithful discharge of their duties, they may prescribe the manner of paying in the stock and of the transfer thereof; said institute shall have a lien on the stock for debts due it by the stockholders before and in preference to other creditors except the State for taxes, and shall pay to the State an annual tax of one half of one per cent. on each share of capital stock which shall be in lien of other taxes.

SEC. 10. *Be it further enacted*, That said institution may discount notes, may buy and sell stocks, deal in exchange, gold and silver bullion, may purchase and sell uncurrent funds, may purchase and hold a lot of ground for the use of the institution, as a place of business, and at pleasure, sell or exchange the same, and may hold such real and personal property and estate as may be conveyed to it, to secure debts due the institution, and may sell and convey the same; it may receive on deposit any and all sums not less than one dollar per week offered as stock deposits; infants and

femes covert may deposit therein, and control the deposits so made which shall be for their own separate use, free from other contracts, or control whatever, and when such deposits shall amount to fifty dollars, it may, at the option of the depositor, become stock in the institution; it may receive other general or special deposits, and allow such interest thereon as may be agreed upon, not exceeding that allowed by law, and twice per year declare and pay to stockholders a dividend of profits; but said institution is hereby expressly prohibited from issuing notes, certificates or other paper for the purpose of being used or which shall have a tendency to pass and be used, as a circulating medium.

SEC. 11. *Be it further enacted*, That the president and directors shall annually appoint the time and place of holding the election of their successors, and two or more of their numbers shall attend and conduct said election, each share being entitled to one vote.

SEC. 12. This Institute shall be located in the city of Chattanooga.

SEC. 13. The stockholders of this corporation shall be individually liable for all the debts of the corporation as general partners.

SEC. 14. This corporation shall be subject to all general laws passed by this or any subsequent Legislature, affecting corporations of the like character.

SEC. 15. *Be it further enacted*, That the provisions of this act shall apply to all companies chartered under this act.

W. C. WHITTHORNE.

Speaker of the House of Representatives.

TAZ. W. NEWMAN.

Speaker of the Senate.

Passed, March 20, 1860.

CHAPTER 148.

AN ACT to change the time of holding the Chancery Court at Springfield; to create and regulate the office of County Judge, in the county of Sumner.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Chancery Court for the county of Robertson, shall hereafter be held at Springfield, on the first Mondays in May and November: *Provided*,

That the next term of said Court shall be held as heretofore on the first Monday in June.

County Judge of
Sumner county.

SEC. 2. *Be it further enacted*, That there shall be elected by the qualified voters of Sumner county, a person learned in the law, to be styled the County Judge, who shall hold his office for the term of eight years from the date of his commission.

When elected.

SEC. 3. *Be it further enacted*, That the first election for County Judge shall be held at the same places, and by the same officers that other county elections are held, on the first Saturday in May next, and under the same rules and regulations that are prescribed for other county elections, and all subsequent elections, except for vacancies, which shall be held whenever they occur, upon giving twenty days' notice, be held on the first Saturday in May, every eight years thereafter.

SEC. 4. *Be it enacted*, That the county judge shall be commissioned in the same manner as other judges of the State, and before entering upon the duties of the office, he shall take an oath to support the constitution of the United States, and the constitution of Tennessee, and an oath fully to discharge the duties of said office.

Jurisdiction.

SEC. 5. *Be it enacted*, That the quorum court in said county is hereby abolished, and the county judge shall have and exercise all the jurisdiction and powers now belonging to said quorum court; he shall preside over the County Court at its quarterly session, which shall be held as heretofore, and shall have and exercise the same powers, jurisdiction and authority which now belong to, and are exercised by the chairman of the County Court, and shall perform the same duties as are required by said chairman, either in or out of Court, whether in session or not.

County Court of
Sumner county.

SEC. 6. *Be it enacted*, That the County Court to be held by the county judge, shall hold its regular sessions on the first Monday of each month: *Provided*, That on the Mondays of the quarterly sessions of the County Court all the business requiring the presence of all or any of the justices of the county shall be first disposed of, after which the county judge shall dispose of such other business before the Court as by the provisions of this act, is directed to be attended to by him; and said Court shall sit from day to day, so long as the business thereof may require, and shall have power to keep order by imposing such fines as will effect that purpose.

SEC. 7. *Be it enacted*, That all the jurisdiction and power of the present County Court over administrators, executors, guardians, wards, trustees, wills, dower and petition for the sale or division of lands and negroes, and

of all testamentary and administrative matters, or subjects connected therewith, and questions of lunacy are abolished; and the same are hereby transferred and given to the County Court, to be held by the county judge, who shall have all jurisdiction, power and authority now exercised or possessed by the County Court over all those questions, and all other jurisdiction, power and authority over all these subjects which may be necessary and proper in the exercise thereof: *Provided*, That either party may have the right to appeal from any judgment, order, decree or action of said county judge, as is allowed by the laws of this State in other cases.

SEC. 8. *Be it enacted*, That the county clerk shall be, County Clerk. and continue the clerk of the County Court, and shall have all the powers, jurisdiction and authority now possessed by him.

SEC. 9. *Be it enacted*, That the county judge shall be Duties of the
County Judge. the accounting officer and general agent of the county, and as such shall have power, and it shall be his duty: 1st. To have the care and custody of all the county property, except such as is by law placed in the custody of other officers. 2d. To control all books, papers and instruments pertaining to his office. 3d. To audit all claims for money against the county. 4th. To draw and seal with the seal of the County Court, all warrants upon the county treasury. 5th. To audit and settle the accounts of the county trustee, and those of any other collector or receiver of county revenue, taxes or income payable in the county treasury, and those of any other person entrusted to receive or expend any money of the county, and to require said officers or persons to render and settle their accounts as directed by law or the authority under which they may act. 6th. To enter a book, to be known as a warrant book, in the order of issuance, the number, date, amount, and name of the drawee of each warrant drawn upon the treasury. 7th. To keep in a suitable book an account of the receipts and expenditures of the county, in such a manner as to show clearly the assets of the county, and the debts payable to, and by it, balancing said account annually, and generally to superintend the financial concerns of the county. 8th. No money shall be drawn out of the county treasury, except upon a warrant issued by the county judge. 9th. The duties directed to be performed by the clerk of the county, in the administration of insolvent estates shall be as heretofore, except that which is judicial in its character.

SEC. 10. *Be it enacted*, That the county judge shall receive five dollars per day during the sitting of the Compensation. monthly and quarterly courts, and the several quarterly

courts are hereby authorized to make additional compensation to the judge by appropriation for that purpose, to such amount as said quarterly court may deem right, and said judge shall be paid his compensation out of the county treasury, quarterly, upon his own warrant.

SEC. 11. *Be it enacted*, That the county judge shall have power at any time, either in term time, or vacation, to appoint an agent or attorney to take care of the public property, and that he may allow and pay a reasonable compensation for his services, and that when he audits claims, he shall issue his warrant upon the trustee for the same in the manner laid down in the 8th section of this act.

SEC. 12. *Be it enacted*, That said county judge shall not be prevented from practicing as an attorney in the Supreme, Chancery, Circuit or Criminal Courts in the State, but shall not be permitted to act as counsel in any case going up from his own court.

SEC. 13. *Be it enacted*, That whenever it shall so happen from sickness or other cause, that the county judge is unable to attend his Court, then the Governor shall appoint some suitable person to hold the Court until the disability is removed.

SEC. 14. *Be it enacted*, That until the election and qualification of the judge elected under the provisions of this act, the County Court shall be held as is now provided by law.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 21, 1860.

CHAPTER 149.

AN ACT to incorporate the Memphis Coal and Mining Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Thomas James, R. C. Brinkley, James W. Goslee, Robertson Topp, James Wickham, E. W. Munford, M. J. Wicks, and their successors and assigns, be, and they are hereby constituted a body politic and corporate, by the name and style of the Memphis Coal and Manufacturing Company, and by that name shall have thirty years succession; may contract and be

contracted with, sue and be sued, plead and be impleaded in all courts and places; have a common seal, which may be altered at pleasure, and also have power to ordain and establish and put in execution any and all by-laws, rules and regulations which they may deem proper for the management and government of the business of said company, not inconsistent with this act or with the Constitution and laws of this State or of the United States: *Provided, always,* That nothing in this act shall be so construed as to give or confer on said company banking privileges.

SEC. 2. That said corporators or a majority of them may organize said company by the appointment of a president, secretary, and such other officers or managers as they may deem necessary, at such time and place as they may designate by notice previously given.

SEC. 3. That the capital stock of said company shall be Capital Stock. five hundred thousand dollars, which shall be divided into shares of one hundred dollars each.

SEC. 4. That said corporators or any three of them, may open books by giving thirty days' notice, for the capital stock of said company; when one hundred thousand dollars of stock are subscribed, any three of said corporators may proceed to organize said company for the transaction of business.

SEC. 5. That the business of said company shall be the mining of coal and iron ores, manufacturing iron and lumber, and for transacting all the usual and necessary business of Mining and Manufacturing Companies; shall have power to sell coal, ores, fuel and all other products at home, or transport them to foreign markets; they may hold their meetings within or without this State, as the company may deem proper; they may own and possess coal or mineral lands in this or other States, as they may deem best for the interest of the company. Business of the Company.

SEC. 6. Certificates of stock shall be issued as the by-laws may direct, and the stock shall be regarded as personal property, and shall be transferred on the books of said company, in person or by attorney; the company shall have a lien on the stock of any and all stockholders for any debts he or they may owe said corporation.

SEC. 7. That the books of said company shall be open to the inspection of the stockholders; said books shall contain the names of all stockholders, and the number of shares owned by each member of said company.

SEC. 8. That said company may receive coal and mineral lands and mining privileges as capital stock in said company; may buy, build and own boats for the carrying on

of their business: *Provided*, That no coal or mineral lands or mining privileges shall be received as stock at a higher valuation than that fixed by appraisers to be appointed by the president and directors of said company; before any certificate of stock shall be issued for any coal, or mining privileges, a conveyance shall be made to the company, and acknowledged for record in the proper office.

SEC. 9. That said company may receive real estate in payment of such part of the subscription of stock as they may deem advisable, and shall have power to hold, either by purchase or otherwise, such real estate, mining rights, and right of way as may be thought expedient by them for the successful prosecution of their business; and the same or any part thereof to sell or otherwise dispose of, as the interest of the company may require.

SEC. 10. That it shall be lawful for the president and directors of said company, from time to time, and at all times to borrow and obtain on loan, such sums of money, and on such terms as they deem expedient for the use of said company, and to pledge or mortgage all or any part of the estate, improvements, privileges, effects and assets whatsoever of said company, for the payment of said sum or sums of money so borrowed, at such times as may be agreed upon; to issue bonds with or without coupons.

SEC. 11. That they may purchase in any of the adjoining States, coal and mineral lands, and mining privileges.

SEC. 12. That all stockholders have the right to vote in the election of president and directors, one vote for each and every share of stock owned or held in said company; they may also represent said stock by proxy properly authenticated.

SEC. 13. That the president and directors may, from time to time, declare such dividends or profits as may arise from the business of the company, but shall not at any time lessen the capital stock, for the purpose of declaring dividends to the stockholders.

SEC. 14 That an election for president and directors shall be held once in every year, who shall continue in office until their successors shall be elected and qualified; any three of said directors shall be qualified to transact any business of the company, and constitute a quorum.

SEC. 15. That the president and directors shall have the right to make such calls for the payment of the capital stock of said company, at such times and in such amounts as they may deem right and proper for the best interests of the company.

SEC. 16. That said company shall possess and enjoy all the powers, rights, privileges and immunities which are

necessary and proper to carry out the objects and purposes of this act.

SEC. 17. That this act shall take effect from and after its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, March 21, 1860.

CHAPTER 150.

AN ACT to charter the Sevierville and Smoky Mountain Turnpike Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the stockholders are hereby constituted and styled a body corporate and politic, by the name and style of the Sevierville and Smoky Mountain Turnpike Company, and by that name may sue and be sued, plead and be impleaded, and shall have a corporate seal and succession for ninety-nine years.

SEC. 2. *Be it further enacted*, That Col. W. H. Trotter, Col. James C. Murphy, Wm. Callett, and A. Lawson, act as commissioners to open books and receive subscriptions for stock in said company, at such times and places as they may deem most suitable; such subscriptions may be made in money, material, labor or provisions, to be valued at a fair cash valuation by persons appointed for said purpose, and such valuation shall be deemed as so much stock in said company; and if the whole extent of said road is not taken in materials, labor or provisions, the residue may be let out for the construction to the lowest bidder, at public or private letting, by directors elected by the stockholders, or other authorized agent or agents.

Commissioners.

SEC. 3. *Be it further enacted*, That the capital stock of said company shall be fifty thousand dollars, with the privilege of increasing the same; and that said capital stock shall be divided into shares of ten dollars each, to be applied in the construction and keeping in repair said turnpike road; said road to commence at some convenient place on the North Carolina State line, and then running the nearest, best and most practicable route to Sevierville; and the building and constructing of said road to com-

Capital Stock

mence at such time and place or places as the president and directors may direct, or deem most advisable for the best interests of the company. .

Election of Directors.

SEC. 4. *Be it further enacted*, That when one thousand dollars are subscribed, a meeting of the stockholders shall be held at Sevierville, of which due notice shall be given by the commissioners who received subscriptions of stock, and when they are convened, they shall proceed to elect five directors, who shall be stockholders, and three of whom shall constitute a quorum to do business, and commence the construction of said road.

SEC. 5. *Be it further enacted*, That at the first election each stockholder shall be entitled to one vote for every share of stock owned by him; the directors so elected shall elect or appoint one of their number president, one secretary, and one treasurer; and it shall be their duty to have said road constructed and built, and they shall have the entire management and control of the same; they shall hold their offices for one year, and until their successors are elected; and said election, after the first, shall be held on the first Monday in January every year thereafter, in the same way as the first is held.

SEC. 6. *Be it further enacted*, That for the purpose of making and constructing and keeping said road in repair, the directors or their agents, may cut, dig, and quarry, and take from the land of any person or persons within one mile of said, such and so much timber, rock or other materials as may be necessary for said purpose, and if any person over whose land said road shall pass, or from whose lands materials may be taken, shall feel themselves aggrieved thereby, he, she, or they may make application to a justice of the peace, in writing, and said justice shall forthwith appoint three freeholders whose duty it shall be to estimate the value of such materials, or of the damage so occasioned, and make out a report in writing, upon oath, in favor of the injured party (taking always into consideration the advantages of said road to said lands,) and such assessment of damages, or valuation of material, shall be adjudged by said justice of the peace to be the amount to be recovered by those entitled to a recovery, subject to appeal as in other cases.

SEC. 7. *Be it further enacted*, That said road shall be graded so as to rise but one foot in ten, where practicable, and be cut out and made smooth and level, sixteen feet wide, where practicable, at no place to be less than ten feet wide, clear of all rocks, stumps, roots, &c., that will in any way impede or obstruct the travel on said road, of wagons, or carriages; and ditches of convenient size at the side of the

road next to the mountain to catch and drain the water ; and culverts when necessary and practicable to be made of durable timber or rock; also, bridges of durable timber across rivers, creeks and branches when necessary and practicable ; to be built of durable timber, to be constructed by and under the advice and direction of the president and directors, and in all respects to be completed in a faithful turnpike road manner.

SEC. 8. *Be it further enacted*, That should said road not be kept in good repair, it may be lawful for any person to make application in writing, upon oath, to any justice of the peace, in said county, and inform him that said road is out of repair, and it shall be the duty of said justice to appoint three disinterested freeholders to examine said road, and make out a report in writing, upon oath ; and if they report the road to not be in good repair, said justice shall issue an order directing a constable of said county to open the gates and stop the collection of toll until said road is fully repaired, and the company shall pay the costs of said proceedings ; but if it shall appear from said report, that the road is in good repair, the proceeding shall be dismissed at the cost of the informant, subject to appeal by either party.

To be kept in repair.

SEC. 9. *Be it further enacted*, That if any person shall refuse to pay toll, but shall pass said gate without paying the toll, the toll-gatherer may refuse such person a passage, and may by warrant from a justice of the peace, recover from such person the sum of five dollars for the use of the company ; and if any person shall travel on said road and come near to a gate, and turn off said road beyond such gate for the purpose of avoiding the payment of toll, he shall be subject to the same liabilities that are set forth in this section concerning persons passing and refusing to pay toll.

Penalty for refusing to pay toll.

SEC. 10. *Be it further enacted*, That the stockholders shall have the right of transferring their stock by sale, gift, devise or otherwise, and the assignees of said stock shall be entitled to all the privileges and subject to all the responsibilities of original stockholders.

Stock transferable.

SEC. 11. *Be it further enacted*, That the business of said company shall be managed by the president and directors, and they shall have power to make and establish such rules and regulations as they may deem necessary to advance the interests of said company ; the president and a majority of the committee shall have power to fill, by

appointment, all vacancies that may happen in said board by death, resignation or otherwise, until the next election; and shall have power to appoint such agents and clerks as they may deem necessary, and take from them such security as may be proper, and remove them for failing to perform the duties required of them.

Delinquent
Stockholders,

SEC. 12. *Be it further enacted*, That the president and directors, or a majority of them, shall have power to demand of the stockholders the amount of their subscriptions, or such portions thereof, as they shall deem necessary, by giving fifteen days' notice of such call, and should any stockholder fail to pay the amount called for, the same shall be forfeited to the company, and they may sue for and recover the same by action of debt, before any tribunal having jurisdiction, all sums by them subscribed.

Route.

SEC. 13. *Be it further enacted*, That if said road is laid off, marked out and located by commissioners to run down the west fork of Little Pigeon River, that said road will commence at the North Carolina line and terminate at the first ford of the river above M. W. Emerts; and if it is marked out and located by said commissioners on the east fork of Little Pigeon River, it shall likewise commence at the North Carolina State line and terminate at the first ford of the river below the mouth of Bird's Creek.

Toll-Gate.

SEC. 14. *Be it further enacted*, That there shall be erected on said road two toll gates, one of said gates shall be erected near the top of the mountain, and the other, if it runs down the west fork, somewhere between Isaac Ogle, sr., and the terminus of said road; and in the event said road is located on the east fork, one gate shall be erected near the mountain, and its other between Emerts Cove and the mouth of Bird's Creek, and the rate of toll on said road shall be the same fixed by the charter of, and granted by the State of Tennessee, to the Nashville, Murfreesboro' and Shelbyville Turnpike Company.

SEC. 15. *Be it further enacted*, That the president and directors shall have power to make contracts with the County Court of Sevier county, or any other authorized agent, and make such contracts as they deem just in regard to those citizens who may live above the lower gate on either of said routes; said citizens referred to, if they will make a contract with an authorized agent to construct or help to construct, and keep in repair, or help to keep in repair, that portion of said road lying below Isaac Ogle, sr., on the west fork, (or in the event said road is located on the east fork,) that portion of the road lying below Emerts Cove, if said citizens who live above the point designated,

will make a contract with an authorized agent to construct or help to construct and keep in repair or help to keep in repair said road, then in that case, said citizens shall pass free from toll so long as they perform their contract; and when they fail, they shall be subject to pay the rates of toll fixed in the fifteenth section of this act.

SEC. 16. *Be it further enacted*, That the president and directors shall have power to borrow money upon the faith and credit of the company, any sum or sums they may deem necessary; said sum or sums to be expended in the construction and building said road; and to secure the payment of said sum or sums thus borrowed, they shall have power to mortgage said road, to secure the payment of the same, or they may assign and transfer said road, together with the stock subscribed, to any person or persons (by first holding an election of the stockholders, and getting the consent of a majority of those entitled to vote by shares of ten dollars each, as in case of electing directors,) and take such securities from such person or persons as they may think necessary to secure the building and keeping in repair said road according to the requirements of this charter.

SEC. 17. *Be it further enacted*, That all rights, privileges, and immunities conferred on the Smoky Mountain and Sevierville Turnpike Company are hereby conferred on the Fayetteville and Big Spring Turnpike Company, to run from the town of Fayetteville, to the Giles county line, on such route as the directors may select.

Fayetteville and
Big Spring Turn-
pike Company.

SEC. 18. *Be it further enacted*, That the following named persons are appointed commissioners to open books and receive subscriptions of stock for said turnpike company: G. B. Miller, J. F. Drake, Jacob Vance, S. G. McElroy, John Woods, Marion Childress, J. Wilson, Shields Wilson, Wm. Tate, Benj. March, Henry Turney, M. Wright, and John McDonald.

Commissioners

SEC. 19. *Be it further enacted*, That said company shall not be required to build a bridge across Cain Creek, and may erect one gate on said road, when the same is completed from the town of Fayetteville to said creek, and the said gate may be placed within one and one half mile of the Court House of Lincoln county.

SEC. 20. *And be it further enacted*, That the commissioners of the Waynesborough and Savannah Turnpike Company shall have the further time of two years to commence their road, and shall be entitled to all the privileges and immunities, and subject to all the liabilities in said original charter.

Waynesborough
and Savannah
Turnpike Co.

Sec. 21. *Be it further enacted,* That this act take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 21, 1860.

CHAPTER 151.

AN ACT to incorporate the Rome and New Middleton, and Rome and Rawls Creek Turnpike Companies; and to amend the charter of the Memphis and Ohio Railroad Company; and to authorize a consolidation of the Mississippi and Tennessee Railroad Company with the Memphis and Ohio Railroad Company; and to amend an Act passed 5th of February, 1858, entitled an Act to consolidate the Memphis and Ohio, and the Memphis, Clarksville and Louisville Railroad Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That subscribers of stock for building a turnpike road in Smith county, shall constitute a body politic and corporate, with the power to sue and be sued, in the name and style of the Rome and New Middleton Turnpike Company.

SEC. 2. *Be it further enacted,* That Wm. C. Norris, Jno. Hall, C. Pope, V. B. Bradford, and Jas. Barret, are hereby
Commissioners. appointed commissioners to open books and receive subscriptions for the capital stock of said road.

SEC. 3. *Be it further enacted,* That the capital stock
Capital stock. of said road, shall not be less than three thousand dollars, in shares of twenty-five dollars each, with the privilege of increasing it to such additional amount, if necessary, as will make the road complete and entire.

SEC. 4. *Be it further enacted,* That when the sum of three thousand dollars is subscribed, the commissioners shall appoint a meeting of the stockholders to be held in the town of Rome, for the purpose of electing seven directors, who shall be stockholders, each stockholder shall cast as many votes as he has shares, in the election of directors, as in all other matters, in which by this act, he may be entitled to vote, either in person or by proxy.

SEC. 5. *Be it further enacted,* That beginning at the
Route. town of Rome, the road may run in the nearest and most practicable route to suit the stockholders, to the town of New Middleton, with a grade from five to six and one-half degrees.

SEC. 6. *Be it further enacted,* That the charter granted to the Rome and Alexandria Turnpike Company, session 1855-6, chap. 144, be, and the same is hereby adopted

and made part and parcel of this charter so far as applicable to this road.

SEC. 7. *Be it further enacted*, That James Marfield, William Gann, Alex. Briggsby, Tillman Flippin, Francis Gallon, William A. Wilson, John Letchford, and others who may be subscribers of stock, be, and the same are hereby constituted a body politic and corporate, with the power to sue and be sued in the name and style of the Rome and Rawls Creek Turnpike Company, for the purpose of building a turnpike road from Rome, Smith county, to intersect the Lebanon and Trousdale Ferry Turnpike, near John Barber's, by the nearest and most practicable route to suit stockholders.

Rome and Rawls
Creek Turnpike
Co.

SEC. 8. *Be it further enacted*, That the capital stock of said road shall be four thousand dollars, or as much more as may be necessary to the completion of the road, and shall be divided into shares of twenty-five dollars each.

Capital stock.

SEC. 9. *Be it further enacted*, That when they shall have subscribed the sum of three thousand dollars, the subscribers shall meet in the town of Rome for the purpose of electing seven directors, who shall be stockholders; and all the provisions of the Rome and New Middleton, and the Alexandria and Rome Turnpike Company, are hereby extended to this company, and made part and parcel of its charter, so far as applicable.

SEC. 10. *Be it further enacted*, That said companies be allowed the time of four years to complete said roads.

SEC. 11. *Be it further enacted*, That section 1 of the act passed the 5th of February, 1858, entitled an act to consolidate the Memphis and Ohio, and the Memphis, Clarksville and Louisville Railroad Companies, be, and the same is hereby so amended as to authorize the respective companies when consolidated, to adopt such name as they may think most appropriate.

Memphis and
Ohio, and Mem-
phis, Clarksville
and Louisville
Railroad Compa-
nies.

SEC. 12. *Be it further enacted*, That the Memphis and Ohio Railroad Company, be, and they are hereby authorized to extend their line of road from the terminus fixed by the act, passed February 4th, 1852, incorporating said company, to the terminus of the Mississippi and Tennessee Railroad Company upon the same terms and conditions as provided by their charter.

Memphis and
Ohio Railroad
Co.

SEC. 13. *Be it further enacted*, That the Memphis and Ohio, and the Mississippi and Tennessee Railroad Companies be, and they are hereby fully authorized to make a consolidation of the said railroad companies, upon the same terms and conditions as are prescribed in the act of the 5th of February, 1858, entitled an act to consolidate the Memphis and Ohio, and the Memphis, Clarksville and Louisville

Memphis and
Ohio, and Missis-
sippi and Tennes-
see Railroad
Companies.

Railroad Companies, as amended by this act: *Provided*, That no State aid to said connection and the extension shall be granted.

SEC. 14. *Be it further enacted*, That this act take effect from and after the date of its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives

TAZ. W. NEWMAN,

Speaker of the Senate

Passed, March 21, 1860.

CHAPTER 152.

AN ACT to incorporate the Edgefield and Nashville Steam Ferry Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That James Miller, M. W. Wetmore, John D. Goss, and their successors be, and they are hereby constituted a body politic and corporate, by the name of the Edgefield and Nashville Steam Ferry Company; with power by that name to sue and be sued, to plead and be impleaded, and generally to do and perform all acts and things which bodies corporate may lawfully do, for the purpose of keeping up a public ferry across Cumberland river, and shall have succession for fifty years.

Capital Stock.

SEC. 2. *Be it enacted*, That said corporators shall have power to open books to receive subscriptions for the stock of said company, at such times and places as they may determine upon, and the capital stock of said company shall be thirty thousand dollars, or any less sum which may be necessary to keep up and carry on said ferry, which shall be divided into shares of fifty dollars each.

Location

SEC. 3. *Be it enacted*, That said corporators shall have power to establish a ferry across Cumberland river, anywhere between the railroad bridge and the termination of Jefferson street, on the south side of said river, and the points opposite the same on the north side of said river, and may use either a common ferry, horse, buoy, or steam ferry boat, as their necessities and the public convenience may require.

SEC. 4. *Be it enacted*, That the stockholders in said company shall have power to elect or appoint such officers or

managers or agents as they may deem necessary for the purpose of conducting the business of said company, and in making such appointment, and in conducting all of the affairs of said company, the holder of each share of stock shall be entitled to one vote; and said stock may be transferred in such manner as the company may prescribe or determine.

SEC. 5. *Be it enacted*, That said (corporators or stockholders) company shall have the right of way from the public streets and highways on each side of the river, to the bed of the river at low water mark, in order to make a good turnpike road from said highways on each side of the river to the ferry, at low water mark, and the owners of the land through which said road may pass shall have authority to apply to the County Court of Davidson county for the appointment of three commissioners, disinterested freeholders of said county, whose duty it shall be to ascertain and assess any damages that said road may cause to the owners of the land, and for the road bed, which amount of damages may be settled to the satisfaction of the court on the report of the commissioners, or the satisfaction of the owner of the land before said road is built.

SEC. 6. *Be it enacted*, That when said roads are completed, and said banks are put in proper grade and order, and suitable boats prepared, said company shall receive the same rates of toll as allowed to the Broad Street Bridge Company.

SEC. 7. *Be it enacted*, That said company shall have the right of towing boats up and down the Cumberland river, when not otherwise engaged in the business of the ferry.

SEC. 8. *Be it further enacted*, That George Maney, Michael Vaughn, William F. Cooper, ——— Dortch, Nicholas Hobson, M. W. Wetmore, A. V. S. Lindsley, Hiram Vaughn and Thomas Chadwell, be, and they are hereby constituted a body politic and corporate, under the name and style of the Nashville and Edgefield Upper Ferry, with all the rights and privileges conferred by this act upon the Nashville and Edgefield Lower Ferry Company, hereby incorporated, with the further privilege of running to and landing at any landing within the corporate limits of the city of Nashville, and landing at any point or landing on the opposite shore within four miles of the city of Nashville.

Nashville and
Edgefield Upper
Ferry.

W. C. WHITTHORNE,
Speaker of the House of Representatives.
TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, March 21, 1860.

CHAPTER 153.

AN ACT to extend the charter of the North Alabama Telegraph Company.

North Alabama
Telegraph Co.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the North Alabama Telegraph Company is hereby granted the right of way to extend their line of telegraph from the Alabama State line to Memphis, from any point on the southern boundary line of the State of Tennessee, that they may see proper to locate the same; and also to extend the same from the Alabama State line, either on the north or south side of the Tennessee river, to Chattanooga, or on both sides of the same, as they may see proper, so as to make a continuous line from Memphis to Chattanooga, and there to connect with the East Tennessee Telegraph Company.

SEC. 2. *Be it further enacted*, That said company shall be entitled to increase their capital stock to an amount sufficient to build and equip said telegraph line, with everything necessary to give it efficient operation for the purposes of conducting a general telegraph business.

SEC. 3. *Be it further enacted*, That said company may proceed to erect a telegraph line on the routes aforesaid, and for this purpose shall have the same rights, powers, and privileges, and protections, and be subject to the same liabilities, penalties, restrictions and provisions conferred and imposed on the Knoxville and Dalton Telegraph Company, by an act passed January 31, 1854, so far as the same may be applicable and not inconsistent with the objects and purposes of this act.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 21, 1860.

CHAPTER 154.

AN ACT to grant further time to the Rome and Carthage Turnpike Company to complete their road.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Rome and Carthage Turnpike Company, be, and they are hereby granted the

further time of three years to complete their road, with all the privileges, benefits and provisions of an act passed March 2d, 1854, entitled, an act to secure the completion of turnpike roads in Smith, Wilson and Sumner counties.

SEC. 2. *Be it further enacted*, That act —, chapter 110, passed 6th March, 1858, be so amended as to appoint O. B. Wright, of DeKalb county, in lieu of O. D. Williams, Thomas W. West, of the same county, in lieu of James Turner, Wiley T. Jennings, of Wilson county, in lieu of James P. Doss, and James Vennatly, in lieu of T. D. Fite, commissioners.

Alexandria and
Smith's Work
Turnpike Co.

SEC. 3. *Be it further enacted*, That said company be allowed the further time of two years to complete said road, with additional rights, powers and privileges, as conferred in section 1, of this act, and the acts in said section referred to.

SEC. 4. *Be it further enacted*, That the act, chapter 144, passed 29th February, 1858, be so amended as to appoint David Malone, in lieu of John F. Moore, commissioner.

SEC. 5. *Be it further enacted*, That said company be allowed the further time of two years to complete said road, and also with the additional rights, powers and privileges, as conferred in section 1, of this act, and the acts in said section referred to.

SEC. 6. *Be it further enacted*, That this act take effect and be in force from and after its passage.

W. O. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 21, 1860.

CHAPTER 155.

AN ACT to transfer the stock of the State in the Lebanon and Nashville Turnpike to certain Turnpikes in Jackson county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That when in the opinion of the Governor of the State, there shall have been a sufficient amount of stock subscribed to the Gainsborough and De-

feated Creek Turnpike Company, and the Gainsborough and Chestnut Mound Turnpike Company to build one-half of said roads, the said Governor shall advertise the stock now owned by the State aforesaid, in the Lebanon and Nashville Turnpike for sale ; to be sold at the town of Lebanon, in Wilson county, in shares of one thousand dollars each, on a credit of twelve months from the date of said sale, to the highest bidder, with good and sufficient security, which said sale shall be advertised thirty days in the Nashville newspapers and the Lebanon *Herald*, and the said Governor may appoint or employ such person as he may choose, to auction and otherwise control the sale as aforesaid, who shall be paid therefor, out of the proceeds of said sales.

SEC. 2 *Be it further enacted*, That the respective presidents of said turnpikes, who will in the meantime have been elected by said companies, shall receive the notes proceeding from said sales in amounts or shares proportional to the comparative length of said roads, and collect the same at their maturity, and apply the proceeds thereof under the direction of their respective companies, or directories, to the building of said roads: *Provided*, That a sufficient amount only to build one-half of every mile of said roads, shall be thus applied.

SEC. 3. *Be it further enacted*, That the State is hereby allowed a lien on said roads for the entire amount of stock originally invested in the said Lebanon and Nashville Turnpike, without respect to the sacrifices and losses that may accrue from said sales, and of the proceeds of toll-gates upon said roads, the State shall receive a sufficient amount, after the payment of repairs, &c., equal to the amount of dividends annually declared on the said stock in the said Lebanon and Nashville Turnpike.

SEC. 4. *Be it further enacted*, That if there should be a surplus of the proceeds of the sales of the said stock over and above the amount necessary to the aforesaid roads, such surplus shall be given to the Gainsborough and Celina Turnpike Company, upon the same condition, and subject to the same liens as imposed upon the said Gainsborough and Defeated Creek, and Gainsborough and Chestnut Mound Turnpike Companies: *Provided, however*, That if a law shall be passed by the present General Assembly, directing a sale of the stocks of the State, in the different turnpike companies, that then the proceeds of the sale of the Nashville and Lebanon Turnpike Road, shall not be vested as stock in said turnpike company, but shall operate as a loan to said companies, and the companies shall pay six per cent. per annum upon the amount loaned into the trea-

Lien by the State.

Gainsboro' and
Celina Turnpike
Co.

sure, and that the State reserve a lien upon the road for the amount received by said companies ; *And it is further provided*, That the amount so loaned shall be due and payable twenty years from the 1st day of January, 1862.

SEC. 5. *Be it further enacted*, That this act shall take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 21, 1860.

CHAPTER 156.

AN ACT for the relief of A. P. Smith, Trustee of John Goodrich, deceased, and J. C. Goodrich, Administrator of said deceased, and for other purposes.

WHEREAS, one George Gee, a freed man of color, died in the county of Lincoln, in this State, in the year 1850, leaving property to some extent, and leaving a wife, and children, that were then and still are slaves ; and whereas, the said George Gee, before he died, made a last will and testament, which was duly proved and admitted to probate, in which he appointed said John Goodrich his executor, who qualified and entered upon the duties as such ; and whereas, by said will, his property was directed to be sold and the proceeds to be applied by said executor, as trustee, for the benefit of his wife and children ; and, whereas, said executor in his life time sold said property and made considerable advancements to said beneficiaries under said will ; and that said Goodrich before he died, made an assignment to one A. P. Smith, in trust, &c., who, as trustee, also made some payments, supposed in all to be about one thousand dollars ; and, whereas, it is now ascertained that the bequests in said will are void ; that said funds escheat to the State for want of heirs, and legally belong to the School Fund of the State ; therefore,

SECTION. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the said administrator and trustee of said John Goodrich, deceased, in making settlement of this fund as directed in sections 2138, 2139, 2140, 2141, 2142 and 2143, chapter 6, article 2, part 2, of the Code, be allowed all reasonable and proper charges

for the administration and taking care and managing this fund, with reasonable compensation for services, and that they be allowed a credit for such payments as have been made in good faith to the wife and children of said George Gee, or for their use and benefit; such payments as were in good faith, believing that they were in law entitled to receive the same under the will.

WHEREAS, one Allen J. Kennedy, a freed man of color departed this life some forty years ago, in the county of Lincoln, leaving a wife and children, free persons of color, and also leaving property, amongst which, were some two town lots in the town of Fayetteville, Tennessee; that before he died he made a last will and testament, leaving said property to his wife and children; and, whereas, his widow still resides on said town lots, in Fayetteville, Tennessee; a portion of his children have died, and those living, now live in Liberia, on the coast of Africa, where the widow desires to emigrate; and, whereas, the youngest of said children, to wit: Martha, has died since the death of her said father, and whilst a minor, leaving a bastard minor child, which has also died; and, whereas, the interest of said Martha, in said property was inherited by the same minor child, who dying without heirs, this interest probably escheated to the State, as a part of the School Fund.

Allen J. Kennedy.

SEC. 2. *Be it further enacted*, That the surviving heirs of said Allen J. Kennedy receive, enjoy, dispose of and make to the interest of said Martha a title to said property; and the State hereby relinquishes all right, title and interest in the same as escheated property.

SEC. 3. *Be it further enacted*, That this act take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 21, 1860.

CHAPTER 167.

AN ACT to repeal an act incorporating the Forked Deer River Navigation Company and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an act passed at this session

of the General Assembly, incorporating the Forked Deer River Navigation Company, and for other purpose, be, and the same is hereby repealed, and declared to be of no force or effect.

SEC. 2. *Be it further enacted*, That this act take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 21, 1860.

CHAPTER 158.

AN ACT to incorporate St. Mary's College, and to incorporate the Robert Donnell University, at Winchester, Tennessee, and for other purposes.

WHEREAS, Sundry citizens of the State of Tennessee contemplate establishing a college or school, for the education of females, to be located in or near the city of Memphis, in the county of Shelby, which college is to be under the government of the Protestant Episcopal Church, subject to such rules, regulations and restrictions as are hereinafter set forth; and, *whereas*, The security of society, the supremacy of the law, the preservation of liberty regulated by the law, the perpetuity of our institutions and of the Union, all are at least dependant upon the prevalence of intelligence of the people, and sound moral sense among them; and, *whereas*, It is the interest of this State, and, indeed, of every State, to encourage the erection of schools and colleges for the dissemination of knowledge; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a corporation is hereby constituted and established under the name and style of the St. Mary's College; and in that name capable of suing and being sued, pleading and being impleaded, and of buying, holding, improving, disposing of, and governing and protecting a suitable lot or lots, tract or tracts of land, in or near the city of Memphis, in the county of Shelby, to contain not more than — thousand acres, with power to lay off said ground into suitable lots; said land or lands to be selected by the president and board of directors.

St. Mary's College.

Commissioners. SEC. 2. *Be it further enacted,* That Geo. White, Richard Hines, J. W. Rogers, J. P. Trezevant, A. O. Harris, W. R. Taylor, Ira Hill, Frederick Smith, Wm. B. L. Cook, Chas. Abercrombie, John Pope, C. J. Selden, J. C. Lanier, John W. Fowler, R. C. Brinkley, Wm. B. Richmond, O. B. Parker, J. Hallum, Lewis Shanks, Shepherd M. Ashe and Wm. E. Rogers (any four of whom are competent to transact the business for which they are appointed,) are hereby appointed commissioners to open books and receive subscriptions of stock to said corporation, which shall be done so soon as practicable, and at such time and place as they may deem best for the interest of the corporation, and by whatever agent or agents said commissioners, or four of said commissioners, may appoint.

Delinquent stockholders. SEC. 3. *Be it further enacted,* That if any person subscribing or taking stock in said corporation shall at any time refuse to pay any instalments due for his share or shares within ninety days from the time the same has become due and payable, the president and directors may institute an action at law for the same, in the name of said corporation; or they may, at their election, after giving said delinquent stock or shareholder forty days' notice, cause the stock of said delinquent to be forfeited to the corporation, unless paid up within the forty days.

Capital Stock. SEC. 4. *Be it further enacted,* That the capital stock of said corporation shall be the sum of one hundred thousand dollars, to be divided into shares of twenty-five dollars each; but the amount of said capital stock may, from time to time, as the directors may think expedient, be increased to any sum not exceeding five hundred thousand dollars.

Directors. SEC. 5. *Be it further enacted,* That the stockholders of said corporation shall have power to organize by the election of a board of directors, to consist of not less than seven nor more than ten; and the directors, when so elected, shall from their own numbers choose a president, secretary and treasurer; the president to hold his office for the period of five years from the date of his election, the secretary and treasurer each for one year; all of whom shall be stockholders.

SEC. 6. *Be it further enacted,* That when said corporation shall have organized, as hereinbefore provided for, the board of commissioners, hereinbefore appointed, shall hand over to said president, company and directors, or to such person or persons as they may appoint to receive the same, all the books, records, deeds, bonds, notes,

papers, funds and moneys belonging to said corporation, as an end of their duties as commissioners.

Sec. 7. *Be it further enacted*, That said president and directors shall have power to assemble at such time and place as may be designated by the president of the board, for the purpose of organizing said institution, and for forming a constitution for the government of said college. A majority of said directors shall constitute a quorum for such purpose; said directors shall have power in and by said constitution, to designate how, by whom, and in what way said college shall be governed, providing said government shall not be incompatible with the constitution, canons and usages of the aforesaid Protestant Episcopal Church in the diocese of Tennessee. Quorum.

Sec. 8. *Be it further enacted*, That said board shall meet at least once a year at the college, when the buildings are erected; but they may be called together in extra session in such manner as may be provided for in said constitution or by-laws of said corporation.

Sec. 9. *Be it further enacted*, That said directors shall have power to appoint committees (all the members of which shall not be required to belong to the board of directors,) to perform duties which may be delegated to them by said directors.

Sec. 10. *Be it further enacted*, That said corporation shall have succession for ninety-nine years, and a common seal; and shall be capable in law of receiving by donation, bequest, devise or otherwise, and to hold, alien and dispose of property of all kind and description, to be held in fee simple or otherwise.

Sec. 11. *Be it further enacted*, That all donations, devises or bequests made upon the faith of the terms, conditions or stipulations set forth in the by-laws of said corporation shall be governed thereby; and the subsequent change or alteration of said by laws shall not have the effect to alter the terms, conditions or stipulations of said donations, bequests or devises. Donations, etc.

Sec. 12. *Be it further enacted*, That the directors shall have power, from time to time, to make by-laws and ordinances for the government of said corporation, not inconsistent with the constitution of this State or of the United States; and for the appointment of professors, and other officers, after nomination by the president. The president of the board of directors shall be ex-officio president or rector of the college, and fix the salaries of officers, amount of tuition, and board of students.

SEC. 13. *Be it further enacted,* That upon the death, resignation or removal of any of said directors, the vacancy occasioned thereby shall be supplied in the manner or mode provided in the by-laws of said corporation.

SEC. 14. *Be it further enacted,* That said board of directors shall have full power to establish literary and scientific departments, and such other departments as said corporation may see proper, and to confer all or any degrees known or used in colleges.

SEC. 15. *Be it further enacted,* That said college shall hold and possess as much land as may be necessary for the building, and to such an extent as may be necessary to protect said institution and the students thereof from the intrusion of evil-minded persons who may settle near said institution.

SEC. 16. *Be it further enacted,* That no misnomer or misdescription of said corporation in any deed, will, gift, grant, devise, or other instrument of contract or conveyance, shall abate or defeat the same, but that the same shall take effect in like manner as if said corporation were regularly named: *Provided,* It is sufficiently described to ascertain the intention of the parties.

SEC. 17. *Be it further enacted,* That no delay in procuring the capital stock to be taken shall work a forfeiture of this charter.

SEC. 18. *Be it further enacted,* That no share or shares of said stock shall be transferable without the assent of the board of directors thereto, unless the whole amount of shares is paid; but after all the shares of said stockholders are paid in, or by and with the consent of the directors before paid in, he may transfer said stock, which transfer shall be made on the books of the corporation, which transfer shall be valid and binding in law; the said stock to be deemed personal property.

Stock when
transferable.

SEC. 19. *Be it further enacted,* That the board of directors shall not have power, by any act of theirs, to bind any stockholder beyond the amount of his stock, and the issues and profits thereof; but they shall have power to declare dividends to stockholders, and to disburse or re-invest the same as to them may seem best for the promotion of the interests of the corporation; and any stockholder may require of them, and it shall be their duty to issue certificates of stock, when so required.

SEC. 20. *Be it further enacted,* That the president and board of directors of said corporation (should it at any time be found necessary and conducive to the in-

terest of said corporators) are hereby authorized to borrow money or loan to an amount not exceeding fifty thousand dollars, and to issue the bonds of the corporation to secure payment thereof, in sums of not less than one hundred and not exceeding one thousand dollars. May issue bonds.

SEC. 21. *Be it further enacted*, That said president and board of directors, be, and they are hereby authorized, if necessary to effect said loans, to pledge and mortgage the real and personal effects (or either) of said corporation.

SEC. 22. *Be it enacted*, That the bonds so to be issued shall not bear a greater rate of interest than six per cent. per annum, and shall not be payable at a greater distance of time than ten years.

SEC. 23. *Be it further enacted*, That this shall be deemed a public act, and as such shall be judicially recognized, without special pleading, in all the courts of law and equity in this State. Public Act.

SEC. 24. *Be it further enacted*, That the female institute of learning, established at Winchester, Tennessee, and belonging to the Columbia Synod of the Cumberland Presbyterian Church, be, and the same is hereby constituted a body corporate and politic, by the name of the Robert Donnell University, in honor of the late Rev. Robt. Donnell; and by that name may have succession for ninety-nine years, and a common seal, and shall be capable in law of suing and being sued, and shall have power to purchase, receive by donation or otherwise, and to possess, alien and dispose of property of all kinds and descriptions, to be held in fee simple or otherwise. Robert Donnell University.

SEC. 25. *Be it further enacted*, That the synod aforesaid shall have power to appoint a board of trustees for said University, to consist of such members as it may determine, and also to fill vacancies therein, occasioned by death, resignation or removal, and may, at such times as it may see proper, require of the board a statement of the general condition and prospects of the university, and it may depose any member of said board at pleasure.

SEC. 26. *Be it further enacted*, That said board of trustees, under the direction of said synod, shall have the supervision of the affairs and management of said university, and shall have the power to elect from its own body a president, secretary, and one or more treasurers; to appoint or remove at pleasure, a president of the university, and as many professors or assistants as may be necessary, who shall constitute the faculty; to assign to them all their respective duties, and fix and Duties of Trustees.

CHAPTER 159.

AN ACT to amend the charter of the Germantown Plank Road Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That section 30 of an act passed January 25th, 1848, chartering the Memphis and Bolivar Turnpike Company, be so amended (in so far as it applies to the Memphis and Germantown Turnpike Company) that the above named section shall read as follows: "That said road shall be opened at least twenty feet wide, with sufficient ditches on each side at all times to carry off the water and to drain the same; shall gradually descend from the middle to the side ditches; shall be substantially covered with stone, gravel, sand, earth, wood or charcoal; shall have substantial and sufficient bridge when necessary, and in all respects shall be completed in a faithful and substantial turnpike road like manner.

Rights, etc.

SEC. 2. *Be it further enacted,* That the said Memphis and Germantown Turnpike Company, shall have all the rights, privileges and powers granted the Memphis and Somerville Turnpike Company, in its original charter, and the several amendments thereto; and also the rights, powers, and privileges, granted the Big Creek Turnpike Company in its charter passed February 27, 1859.

Dover and Tennessee River Turnpike Co.

SEC. 3. *Be it further enacted,* That N. Brandon, John Scarborough, Isaac Williams, J. W. Wofford, Elisha Dawson, Elijah Dawson and E. G. Sexton be appointed commissioners to open books and receive subscriptions for stock to build a turnpike road from Dover to Tennessee river in Stewart county, commencing at Dover and running to Tennessee river in the direction of Paris in Henry county, touching Tennessee river either at the mouth of Sandy or Coleman's Landing; said commissioners shall meet at such times and places as they may think best, and open books and receive subscriptions of stock, to be paid either in money or in work on said road, and all the above named persons, or so many of them as shall aid in the construction of said road, or any three of them, shall be commissioners to locate said road, and shall be, and they are hereby constituted a body politic and corporate, under the name and style of the Dover and Tennessee River Turnpike Company, and by that name may sue and be sued; plead and be impleaded; have a common seal, and succession for ninety-nine years.

as they may deem prudent and expedient; that if at any time any of the aforesaid trustees shall resign, die, or otherwise withdraw from said corporation, two-thirds of the remaining board may elect or employ a successor to fill such vacancy, if they so desire, that is, a majority of the two-thirds aforesaid may then choose or elect such successor.

Sec. 32. *Be it further enacted*, That Henry Clapp, Pleasant Owens, Thomas W. Kearns, J. J. A. Thompson, and R. B. Gibbs, and their successors in office, be, and they are hereby constituted a body politic and corporate, under the name and style of the Trustees of Walnut Grove Academy, located on Little Flat creek, in the county of Knox; and that the said trustees and their successors shall have perpetual succession, and be capable in law or equity to sue and be sued, plead and be impleaded in any of the courts of this State or elsewhere, and the said trustees, by the name aforesaid, shall be capable in law or otherwise, to purchase, receive and hold, by gift or otherwise, to themselves and successors any real or personal estate for the benefit of said academy, and to appropriate, use, and dispose of the same in such manner as to them may seem fit and proper for the use of said academy.

Sec. 33. *Be it further enacted*, That the said trustees and their successors shall have power to hold such meetings as may be agreed upon from time to time, by a majority of their body; to elect a president, secretary and treasurer out of their own number, and to fill all vacancies that may occur by death or otherwise, but not less than a majority of said trustees shall constitute a quorum to transact business.

Sec. 34. *Be it further enacted*, That the said board of trustees shall have power to make such regulations in relation to said academy and the government thereof, and their own proceedings, as a majority may deem right and proper: *Provided*, They be not inconsistent with the Constitution and laws of this State.

Sec. 35. *Be it further enacted*, That this act take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 21, 1860.

first coat ; the second coat to be at least seven feet wide and six inches thick, with ditches on each side sufficient to drain said road; said road shall be graded to within five degrees of a level; said company shall build all such bridges culverts and other drains as shall be necessary; when five miles of said road are thus made, commencing either at Dover or Tennessee river, the said company shall be authorized to erect one toll-gate, at which they may demand and receive the same rate of toll as that allowed by the charter of the Lebanon and Nashville Turnpike Company, and may erect one toll-gate for each five miles on said road.

SEC. 9. *Be it further enacted*, That the president and directors may from time to time require of the stockholders to pay such portions of their stock as they shall deem necessary, in order to facilitate the completion of said road; and said directors after their election may continue to receive subscriptions of stock either in money or work, in such proportion as they shall deem best.

SEC. 10. *Be it further enacted*, That said company shall be allowed the term of five years from the time of the election of the first board of directors to finish said road.

SEC. 11. *Be it further enacted*, That the stock in said road shall be transferable on the books of the company.

SEC. 12. *Be it further enacted*, That in the election of directors the stockholders may vote either in person or by proxy.

SEC. 13. *Be it further enacted*, That said company shall have all the powers and privileges, and be governed by the provisions of chapter 7, of the Code, when it does not come in conflict with this charter.

SEC. 14. *Be it further enacted*, That the 20th section of an act passed by the General Assembly, entitled, as act to incorporate the Jennings Fork Turnpike Company, and for other purposes, authorizing the Gallatin and Cumberland, and the Gallatin and Cole's Ferry Turnpike Company, to erect their first gate and gate buildings at the junction of their respective roads, be, and the same is hereby repealed.

SEC. 15. *Be it further enacted*, That the Clarksville and Hopkinsville Turnpike Company, are authorized to remove their first toll-gate from its present location to any point they may select, between the junction of the Linwood landing road, and the junction of the Lafayette road, with the turnpike road of said company, and all persons traveling to or from the Linwood landing warehouse, shall pay the same toll as those traveling to Trice's landing and to Clarksville: *Provided*, Those traveling

Gallatin and
Cumberland, and
Gallatin and
Cole's Ferry
Turnpike Co.

Clarksville and
Hopkinsville
Turnpike Co.

the Lafayette road shall pay in proportion to the amount of turnpike they use, and it shall be a misdemeanor for any person to misrepresent to the gate-keeper, the amount of road he has traveled or intends to travel.

SEC. 16. *Be it further enacted*, That the Clarksville and Hopkinsville Turnpike Company are authorized to build a McAdamized branch road, beginning at any point they may select between the two gates as established, and running in the direction of the Lafayette road, a distance sufficient to make five miles from the western end to the mouth of Red River Bridge, and if the said branch is built, all persons coming from or going on said branch road, shall pay toll at the same rate with those traveling on the main line of road.

SEC. 17. *Be it further enacted*, That the forty-first section of an act passed the 2d day of February, 1856, entitled "an act to amend an act to charter the Murfreesboro' and Liberty Turnpike Company," be so construed as to apply to persons going to and from church on Sundays only.

Murfreesboro'
and Liberty
Turnpike Co.

SEC. 18. *Be it further enacted*, That the Brown Creek and Robertson Academy Turnpike Company, passed on the 20th day of March, 1858, be, and the same is hereby so amended as to authorize the farmers and citizens living along the line of said road, to begin the work at either end of said road, and to build the same in such sections, and payable in work or money, as may be agreed on between them and a majority of the commissioners authorized to locate the same: *Provided*, That no toll-gate shall be erected or toll collected on said road, until as much of the same shall be done and completed, as provided in the original charter.

Brown's Creek
and Robertson
Academy Turn-
pike Co.

SEC. 19. *Be it further enacted*, That M. A. Price, Jno. Shute, Philip Shute, William Walton, James Cockrill, D. S. Donelson, ——— Terrel, Harry Smith, James Rowland, John T. Dunn, and Dr. Tim Walton, be incorporated a body politic, under the style of the "Hermitage and Hendersonville Turnpike Company," for the purpose of constructing a McAdamised turnpike road from some point on the Lebanon and Nashville Turnpike, between Scott's Hollow and the Hermitage, in Davidson county, crossing the Cumberland river at Sander's ferry, and terminating on the Gallatin and Nashville Turnpike, on the railroad, near Hendersonville.

Hermitage and
Hendersonville
Turnpike Co.

SEC. 20. *Be it further enacted*, That the persons above named will act as commissioners, to obtain the stock necessary for the building of said road, in shares of \$100,

to be paid upon such calls as may be ordered by the board, or in work upon the road, on contract with the directors; when five thousand, in stock, shall have been subscribed and secured, the stockholders shall meet and elect five directors by whom the necessary officers shall be elected, and their duties prescribed; the directors shall hold their office for one year, or until their successors are elected, and all the vacancies may be filled by the board until the next election; after the completion of the road, one toll gate may be erected, at which the same rate of toll shall be allowed, that is taken upon the Lebanon and Nashville Road; the ferry shall not charge more than the gate.

SEC. 21. *Be it further enacted*, That the quality of the road, and the power and the privileges of the company shall be in all respects equal to, and governed by the charter of the Lebanon and Cole's Ferry Turnpike Company, so far as its provisions apply, and are not inconsistent with this charter.

Rigg's Cross
Roads Turnpike
Co.

SEC. 22. *Be it further enacted*, That Reuben Reynolds, William Pate, Mat. H. Dolison, John C. Collett, J. F. Britton, A. W. Tippet, and John Wall, be, and they are hereby appointed commissioners to open books and receive subscriptions for stock, in shares of twenty dollars, payable in money, labor or materials, in order to build a turnpike road from Rigg's Cross roads in Williamson county, Tennessee, to Bethesda, in said county, or Hurt's Cross Roads, in Maury county, as a majority of the stockholders may determine; that whenever a sufficiency of stock is subscribed, said commissioners may call the stockholders together to elect a president and directors of the company, and upon which organization the stockholders are hereby constituted a body politic and corporate, under the name and style of the Rigg's Cross Roads Turnpike Company, with all the rights, privileges and powers, and subject to all the limitations and restrictions provided in the Code, in regard to the formation and organization of turnpike companies.

Auburn and
Woodbury Turn-
pike Co.

SEC. 23. *Be it further enacted*, That John F. Weedon, John W. Summers, Robert Brison, A. S. McKnight, David Vance, P. C. Talley, and John W. Orand, be, and they are hereby appointed commissioners to open books for subscription to build a turnpike road from Auburn, in Cannon county, to intersect the Woodbury and Murfreesboro' Turnpike Road, at or near John W. Orand, to be known as the Auburn and Woodbury Turnpike Company.

SEC. 24. *Be it further enacted,* That they shall, after electing their board of directors, in the same manner as is prescribed for electing the board of directors for the Murfreesboro' and Woodbury Turnpike Company; they shall have power to survey and locate said road, running the most practicable route from one point to the other, above mentioned; and that they shall have power to erect two toll gates at such points on said road as a majority of the board may designate, not nearer than three miles of each other, or not within less than one mile from Auburn.

SEC. 25. *Be it further enacted,* That they shall have all the powers, privileges and immunities that are conferred upon the Murfreesboro' and Readyville Turnpike Company; and that they shall be subject to the same restrictions and liabilities that are imposed upon the said Murfreesboro' and Readyville Turnpike Company.

Powers:

SEC. 26. *Be it further enacted,* That the charter of the Nashville and Middle Franklin Turnpike Road Company, be so amended that said company shall be allowed to terminate said road at the distance of seven miles from the point where the road leaves Broad street, in the city of Nashville: *Provided,* That toll shall only be collected at one gate for the entire distance of said seven miles.

Nashville and
Middle Franklin
Turnpike Co.

SEC. 27. *Be it further enacted,* That said company, in case a sufficiency of stock may be at any time hereafter subscribed, shall have the privilege of extending said road to the Davidson county line, in which event toll may be collected at two gates, the same being full five miles apart, as is authorized by the original charter of incorporation.

SEC. 28. *Be it further enacted,* That John H. Thomas, Calvinson Batson, John Sullivan, Wesley Winn, Benjamin Collier, Whitley White, J. S. Warren, or any seven citizens of Humphreys county, be appointed commissioners to open books to receive subscriptions of stock to build a turnpike road from Waverly, in Humphreys county, to a point on the Stewart county line (in the direction of Dover), where the Dover, Cane Creek and White Oak Turnpike Road touches said line; said commissioners shall meet at such time and place as a majority may designate, and open books and receive subscriptions of stock, to be paid either in money or work on said road, and all the above named persons, or so many of them as shall aid in the construction of said road, or any three of them, shall be commissioners to locate said road,

Waverly and Do-
ver Turnpike Co.

and shall be, and they are hereby constituted a body politic and corporate by the name and style of the Waverly and Dover Turnpike Company, and by that name may sue and be sued, plead and be impleaded, have a common seal and succession for ninety-nine years.

Capital stock.

SEC. 29. *Be it further enacted*, That the capital stock of said company shall be ten thousand dollars, or any amount greater or less, necessary to complete said road, to be divided into shares of twenty-five dollars each.

SEC. 30. *Be it further enacted*, That the company chartered by this act shall have all the rights, powers and privileges, and be governed by all the restrictions embraced in the charter of the Dover, Cane Creek and White Oak Turnpike Company; and shall have power to make such contracts with the Dover, Cane Creek and White Oak Turnpike Company, as they may deem expedient to secure the building of said road.

Dover, Cane
Creek and White
Oak Turnpike
Co.

SEC. 31. *Be it further enacted*, That James E. Rice, N. Brandon, James M. Scarborough, A. P. Parish, J. W. Parker, Allen Barnes, and Wm. A. Cooke, or any three of them, be appointed commissioners to open books and receive subscriptions of stock for the purpose of building a turnpike road, commencing at Dover, Stewart county, running thence the most practicable route to a point on the Louisville, Clarksville and Memphis Railroad, between the head of Cane Creek and the "Long Branch of White Oak," and thence to some point on the line between the counties of Stewart and Humphreys, in the direction of Waverly; said commissioners shall meet at such time and places as they may think best, and open books and receive subscriptions of stock, to be paid either in money or in work on said road, and all the above named persons, or so many of them as shall aid in the construction of said road, or any three of them, shall be commissioners to locate said road, and shall be and they are hereby constituted a body politic and corporate, by the name and style of the Dover, Cane Creek and White Oak Turnpike Company, and by that name may sue and be sued, plead and be impleaded, have a common seal, and succession for ninety-nine years.

Capital stock.

SEC. 32. *Be it further enacted*, That the capital stock of said company shall be five thousand dollars, or any amount greater or less, necessary to complete said road, to be divided into shares of twenty-five dollars each, and when the sum of five thousand dollars is subscribed, either in cash, or work to be done on said road, a meeting of the stockholders shall be held at such time and

place as said commissioners or a majority of them may designate, all of such stockholders having notice of the time and place of said meeting, and when assembled, a majority of the stock being represented, they shall proceed to elect five directors, being stockholders, whose duty it shall be to manage the affairs of said company; said directors shall elect one of their own body president of the board; and the president and directors thus chosen, shall have power to elect a secretary and treasurer separately, or they may elect some one to perform the duties of both secretary and treasurer; they shall have power to pass by-laws for the government of said company, to put said road under contract, take bonds from contractors, and to do any and all things necessary to complete said road, and to keep the same in repair, coming within the legitimate scope of the powers herein granted; and shall have power to make such contracts with Woods, Lewis & Co., to secure a connection with, and the use of such turnpike roads as they have built or may hereafter build, and to make any contract with them that the said turnpike company may deem expedient, in order to secure their co-operation or assistance in the building of said road.

SEC. 33. *Be it further enacted,* That the directors and officers so elected, shall hold their offices for two years from the time of their election, and until their successors are elected and qualified.

SEC. 34. *Be it further enacted,* That it shall be the duty of said president and directors to hold an election once in every two years, to elect a board of directors for said company, and to give the stockholders twenty days' notice of the time and place of holding said election, either in person or by notice in a public newspaper; in all elections of directors, each share of stock shall be entitled to one vote.

SEC. 35. *Be it further enacted,* That the president and directors of said road, or the commissioners aforesaid, shall locate and lay off said road with a view to the interest of the public, and also of the stockholders.

SEC. 36. *Be it further enacted,* That said road shall be opened twenty-six feet wide, graded at least sixteen feet wide, and twelve feet to be covered with stone or gravel, not weighing over half pound, six inches deep for the first coat, the second coat to be at least seven feet wide and six inches, with ditches on each side sufficient to drain the road; said road shall be graded to within five degrees of a level; said company shall build all such bridges, culverts, and other drains as shall be necessary;

when five miles of road are thus made, commencing at Dover, the said company shall be authorized to erect one toll-gate, at which they may demand and receive the same rates of toll as that allowed by the charter of the Lebanon and Nashville Turnpike Company, and may erect one toll-gate for each five miles of said road.

SEC. 37. *Be it further enacted*, That the president and directors may from time to time require of the stockholders to pay such portions of their stock as they shall deem necessary, in order to facilitate the completion of said road; and said directors, after their election, may continue to receive subscriptions of stock either in money or in work, in such proportions as they shall deem best.

SEC. 38. *Be it further enacted*, That said company shall be allowed the term of five years from the time of the election of the first board of directors to finish said road.

SEC. 39. *Be it further enacted*, That the stock in said road shall be transferable.

SEC. 40. *Be it further enacted*, That in the election of directors, the stockholders may vote either in person or by proxy, and may hold real estate upon which to erect toll-gates..

SEC. 41. *Be it further enacted*, That this company shall have all the powers and privileges, and be governed by chapter 7, of the Code, when it does not come in conflict with this charter.

SEC. 42. *Be it further enacted*, That this act take effect from its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN.

Speaker of the Senate.

Passed, March 21, 1860.

CHAPTER 160.

AN ACT to incorporate the Washington Wharf Company, near Clarksville, in Montgomery county, Tennessee, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That James Clark and Larkin Bradley, of the county of Montgomery, and State of Tennessee; be, and they are hereby incorporated as a company, under the name and style of the Washington Wharf Company, with succession for ninety-nine years;

and by their corporate name may sue and be sued in any court of law or equity in this State; may have a common seal; and that the capital stock of said company may be three thousand dollars, and may be increased to fifty thousand, and the shares of stock shall be twenty-five dollars each; and that each share shall entitle the holder thereof to one vote in any election for officers, which may be hereafter had, for the government of the affairs of said company; votes to be cast either in person or by proxy.

Washington
Wharf company.

SEC. 2. *Be it further enacted*, That said company shall consist of James Clark as president, and Larkin Bradley as secretary and treasurer, with any one they may select as a collector of Wharfages and dues to the company, until such time as they may increase the company to a number of shares to make the company consist of ten or more stockholders; then they shall select from their company a president, secretary and treasurer, and two directors, besides the president, to manage the affairs of said company; which board of directors shall also appoint a collector of wharfages and dues to said company.

SEC. 3. *Be it further enacted*, That any election that may be had for officers, may take place on any time fixed by said company; and the officers so elected shall hold their said offices for twelve months from that time, when another election shall take place, and so on; at the end of each year shall the election take place for officers, at the office of the company, or at any other place designated by them, to be fixed by a law ordained as aforesaid. They shall also have power to enact all such rules and regulations as they may deem necessary to carry out the objects and provisions of this charter: *Provided*, The same be not inconsistent with the laws of this State, or the United States; and all by-laws, rules and regulations enacted by them may be repealed or altered by them at pleasure.

SEC. 4. *Be it further enacted*, That the aforesaid Washington Wharf Company shall have power to demand, and receive and collect, by suit or otherwise, wharfage from all boats, water crafts of every description, (including rafts of every description,) that may land, or discharge or receive freight at their wharf, at such rate as the directors, by their by-laws, may ordain: *Provided*, That they do not charge a higher rate of wharfage than is charged by the Union Wharf Company, at Clarksville; and the said directors, appointed as aforesaid, may make by-laws imposing fines and penalties for obstructing or

Powers.

damaging their said wharf, or for molesting them in the full enjoyment and use thereof, which the said company may recover before any tribunal having cognizance thereof.

SEC. 5. *Be it further enacted*, That the secretary of said company shall issue to each stockholder a certificate of stock for each share, or fractional part thereof, owned by him, and attach thereto the seal of said company, which certificate shall be signed by the president, and countersigned by the secretary, in their official capacity; and the stock of said company shall be transferable only on their books; and the various duties of the officers of said company shall be prescribed in the by-laws of said company; and the said company shall have power to demand and take from any officer of the company a bond, with security, and in an amount satisfactory to them, conditioned for the full and faithful discharge of his duty.

Location.

SEC. 6. *Be it further enacted*, That the aforesaid Washington Wharf shall be located south of the corporation of the city of Clarksville, with the line of said city as it runs to the Cumberland river; thence south up said river to any point on the lot of ground bought by L. Bradley at a sale of the land belonging to the heirs of W. J. Lynes, deceased.

Lafayette Wharf
Company.

SEC. 7. *Be it further enacted*, That Ed. R. W. Thomas, Wm. T. Dortch, George Alwell, T. J. Pritchett, and Wm. A. Forbes, their associates, assigns and successors, are hereby incorporated a body politic and corporate, under the name and style of Lafayette Wharf Company, with all the rights, powers and privileges of the Washington Wharf Company, in the foregoing act contained. The capital stock of the Lafayette Wharf company shall be the same as said Washington Wharf company. The location of said Lafayette Wharf company shall commence on the north bank of the Cumberland river, above the corporate limits of Clarksville, at the lower corner of the lot of ground owned by E. R. W. Thomas, and may extend up the river to any point not exceeding the upper corner of the lot owned by Dortch, Alwell & Co.

SEC. 8. *Be it further enacted*, That the corporators of said Washington and Lafayette Wharf companies may consolidate upon such terms as they may agree upon, and adopt the name of either.

SEC. 9. *Be it further enacted*, That G. A. Harrell, J. O. Shackelford and T. J. Munsford, O. M. Blackman and H. Dunlap, citizens of the town of Clarksville, county of

Montgomery, they and their successors, are hereby incorporated as a company, for one hundred years, under the name and style of Commerce Street Wharf Company, with a capital stock of seven thousand dollars, which may be increased to twenty; and in that name may sue and be sued in any court of law or equity in this State, and may contract and be contracted with, and may pass all by-laws for the benefit of said company, and use of a common seal: *Provided*, Said by-laws are not contrary to the statutes and constitution of this State, and the constitution of the United States.

SEC. 10. *Be it further enacted*, That the shares of stock shall be fifty dollars, and each share shall entitle the holder to one vote in the affairs and business of the company. The officers shall consist of a president, secretary and treasurer, and three directors, who shall control and manage the affairs of said company. The election shall be holden at such times and places as they shall appoint. They shall have power to appoint an agent to collect the wharfage.

SEC. 11. *Be it further enacted*, That the parties incorporated as aforesaid, or any three of them, shall have the power to open books for the subscription of stock; and when the amount sufficient to construct said Wharf is subscribed they may proceed to construct the same. Upon the said company being organized, they shall have power to direct in what mode the calls of stock shall be made; and if the same are not paid, they shall have the right to sue in any court having jurisdiction of the subject matter.

SEC. 12. *Be it further enacted*, That the boundaries of this Wharf company shall begin at a point on Cumberland river, where Commerce street, in the town of Clarksville, strikes the river, running up said river three hundred feet, or such distance not over three hundred feet as said company may determine, or down the river to Union Wharf, so as to make a good and substantial wharf: *Provided*, The Union Wharf Company may have the first privilege of extending its wharf up the river to Commerce street, if they build the same within the next two years.

SEC. 13. *Be it further enacted*, That said company shall have the power to appropriate the lands fronting on the river, a sufficient amount thereof, to construct said Wharf, upon making compensation to the owner; and if said parties cannot agree upon the value with the owners of said lands, and upon a petition filed against the owners, according to the usual practice in the courts,

the Circuit Court of the county shall appoint three disinterested citizens, who shall assess the damages and the value of said lands so appropriated, and report the same to the Circuit Court. The said company shall have all the rights, powers and privileges granted to the Union Wharf company, located in the town of Clarksville, and passed by the Legislature of the State of Tennessee, on the 13th day of December, 1853 ; and also all the powers and privileges of the Franklin Wharf company, located in the town of Clarksville, passed by the Legislature, on the 15th of January, 1844.

SEC. 14. *Be it enacted*, That this act take effect from its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 21, 1860.

CHAPTER 161.

AN ACT to charter the South Nashville Gas Light Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a company, to be styled the South Nashville Gas Light Company, shall be established with a capital of one hundred thousand dollars, which may be increased to two hundred thousand dollars, according to the discretion of the stockholders and the wants of the City of Nashville, and that the stock of this company shall be divided into shares of twenty-five dollars each, to be paid for and subscribed to, as the commissioners hereinafter named may prescribe.

SEC. 2. That the subscribers to said stock, their successors and assigns, are hereby created a body politic and corporate, by the name and style of the South Nashville Gas Light Company, and by this name and title shall be capable to contract and be contracted with; sue and be sued, plead and be impleaded, have a common seal, which they may alter or renew at pleasure, and may adopt such by-laws as they may think necessary for the company's management, not inconsistent with the constitution of this State, or of the United States.

SEC. 3. That it shall be the business of said company to establish and construct gas works in the City of Nashville; and it may purchase and hold as much real estate as may be necessary for such purpose, and to secure any debt that may be due them; and that they shall establish a gas manufactory of such capacity as to supply either the corporate authorities of the City of Nashville, or its private citizens with the gas light.

SEC. 4. That to enable the company to establish their gas works, they shall have the power to lay down pipes and extend their conductors and other apparatus through any of the streets, lanes or alleys of the city of Nashville, in such manner as to produce no nuisance to the inhabitants, and to their least inconvenience; and all pavements or sidewalks taken up for said purposes, shall be repaired without delay.

SEC. 5. If any person shall injure or destroy any portion of the pipes, gas fixtures, or other property belonging to said company; or wantonly let on, or stop the gas, when it has been stopped or let on by the company or its officers, upon conviction thereof, he shall be deemed guilty of a misdemeanor, and punished accordingly, at the discretion of the court, with fine and imprisonment, and shall also be personally liable for all damages sustained by the company.

SEC. 6. That J. O. Griffith, W. N. Bilbo, Richard Cheatham, R. C. McNairy, John Porterfield, and A. B. Robertson, as commissioners, shall be empowered, not less than four of them, however, to open books for subscriptions at such places, and at such times, as they alone may designate; and that when the sum of thirty thousand dollars is subscribed, and in the public prints of the city they shall give notice to the stockholders where and when to meet; they may elect a board of directors, consisting of five, who shall then and there elect a president and other officers, such as they may deem necessary to manage the affairs of the company; that all other elections for directors of the company, and other officers shall be held annually, on public notice in the city papers, being given of the time and place of meeting; that no stockholder who does not hold two shares shall be a director; and that the board of directors shall have power to sell the stock of any delinquent stockholder who has failed to pay any portion of the same, or for any instalment imposed by the board, when due notice has been given such delinquent stockholder.

Commissioners

SEC. 7. All stock subscribed shall be paid in either gold or silver, within three years from the organization of said company.

SEC. 8. *Be it further enacted*, That this law shall take effect and be in full force immediately after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 21, 1860.

CHAPTER 162.

AN ACT to incorporate the Nashville and New Orleans Packet Company ; and the Nashville and St. Louis Packet Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That B. S. Rhea, J. D. Taylor, H. T. Yeatman, A. Hamilton and W. F. Erskine, and their associates and successors, are hereby incorporated and constituted a body politic, to be known by the name and style of the Nashville and New Orleans Packet Company.

SEC. 2. *Be it further enacted*, That the capital stock of said company, at its formation, shall not be less than twenty-five thousand dollars, and may be increased by a vote of a majority of the stockholders, to one hundred thousand dollars at any subsequent period ; and shall be entitled to all the powers and privileges granted to the Memphis and St. Louis Packet Company, and subject to all the pains and penalties imposed on said Memphis and St. Louis Packet Company.

SEC. 3. *Be it further enacted*, That James Miller, George Stacker, A. Hamilton, F. W. Weller, and J. N. Corbett, and their associates and successors are hereby incorporated and constituted a body politic, to be known by the name and style of the Nashville and St. Louis Packet Company.

SEC. 4. *Be it further enacted*, That the capital stock of said company, at its formation, shall not be less than fifty thousand dollars, and may be increased by a vote of a majority of the stockholders, to one hundred and twenty-five thousand dollars, at any subsequent period ; and shall be entitled to all the powers and privileges granted

to the Memphis and St. Louis Packet Company, and subject to all pains and penalties imposed on said St. Louis and Memphis Packet Company.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, March 21, 1860.

CHAPTER 163.

AN ACT to substitute William M. Morrow instead of Robert Campbell, to compare transcripts of the Registers books for East Tennessee.

WHEREAS, By an act of the General Assembly of the State of Tennessee, passed February 5th, 1858, entitled, "an act to authorize the Register of East Tennessee to transcribe certain record books, and for other purposes," it was made the duty of A. B. Small, the Register of East Tennessee, to transcribe certain record books in his office: *And whereas*, Robert Campbell of the county of Knox, was appointed by said act to compare said transcripts: *And whereas*, Said Campbell has notified said Small that he cannot perform said duty, so far as the third and last volume of said record is concerned, therefore:

Be it enacted by the General Assembly of the State of Tennessee, That Wm. M. Morrow of the county of Monroe, be substituted in said act, in the place of said Robert Campbell, and that he be required to perform the same duties as required of, and be entitled to the same pay as allowed to said Campbell, so far as the work of said Morrow shall go; and that this act take effect from and after its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, March 21, 1860.

CHAPTER 164.

AN ACT to incorporate the Knoxville Water Mill Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That F. A. R. Scott, J. C. Deadrick, and S. H. Davis of the county of Knox, and their associates and successors, be, and they are hereby created a body politic and corporate, by the name and style of the Knoxville Water Mill Company, or such other name as they may adopt, with full right and power to sue and be sued; to hold real and personal property in their corporate capacity; to have a common seal; to transfer stock, and to do and perform all acts, and transact all business in any wise appertaining to the manufacture of flour, meal, or other products of grain.

Capital Stock.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be ten thousand dollars, with power to increase said capital stock to fifty thousand dollars; said company shall have the power to borrow money, to declare dividends, to use their machinery for any other manufacturing purpose, if they see proper; may grind grain for toll according to such published rules and regulations as they may adopt; said corporation shall not incur liabilities over and beyond the capital stock actually employed, and should such excessive liabilities be incurred, then said corporators to be liable in their individual property for such excesses.

SEC. 3. *Be it further enacted*, That said company shall have a corporate existence for the period of thirty years; this act to take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 21, 1860.

CHAPTER 165.

AN ACT to amend the Charter of the North Carolina, Tennessee and Kentucky Railroad Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the charter of the North

Carolina, Tennessee and Kentucky Railroad Company be so amended as to allow, if they find it convenient or necessary in the construction of their road, to receive real estate as subscription of stock in said company, or otherwise to purchase, hold and dispose of the same as they may see proper, and for that purpose that conveyances of real estate made to the president and directors of the North Carolina, Tennessee and Kentucky Railroad Company shall be esteemed and held valid; and that conveyances of real estate made by said president and directors, and signed by the president alone and countersigned by the secretray, under the seal of the company shall be held valid in law.

SEC. 2. *Be it further enacted*, That said company may be allowed to adopt such guage or guages for their road, as in their judgment may best suit the connections they may make with other roads.

SEC. 3. *Be it further enacted*, That this act take effect from and after its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, March 21, 1860.

CHAPTER 166.

AN ACT to enlarge the corporation of the town of Granville, in Jackson county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the boundaries of the corporation of the town of Granville, in Jackson county, Tennessee, be, and the same are so altered, as that from and after the passage of this act, the following shall be its boundaries, to-wit: beginning at the mouth of Martin's Creek; thence up said creek with its meanders to the Wm. P. Lewis line; thence west with said line to the Cumberland river; thence up said river with the meanders thereof to the beginning.

SEC. 2. *Be it further enacted*, That in addition to the several powers and privileges heretofore granted said corporation by the act incorporating it originally, and the acts subsequent thereto, it is hereby granted all powers,

privileges, and immunities which are allowed other tow corporations in this State.

W. C. WHITTHORNE,

Speaker of the House of Representatives

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 21, 1860.

CHAPTER 167.

AN ACT incorporating the Book and Tract Society of the Memphis Conference, Methodist Episcopal Church South, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Samuel Watson, T. L. Boswell, Thomas Joyner, Philip Tuggle, M. J. Wick, S. H. Dunscombe, J. D. Williams, and W. K. Poston, with all other subscribers of one or more shares of the capital stock thereof, be, and they are hereby constituted a body politic and corporate, under the style of the "Book and Tract Society, of the Memphis Conference," and as such, may, and shall have succession for fifty years from this date; may sue and be sued; plead and be impleaded in any of the courts of the State; may have, use, and alter at pleasure their common seal, and make and adopt all rules, regulations and by-laws necessary for their government, not inconsistent with the Constitution and laws of the land.

Capital Stock.

SEC. 2. The capital stock of said society shall be one hundred thousand dollars, divided into shares of one hundred dollars each; the subscription of twenty-five thousand of which shall authorize an organization under this charter; this stock may be transferred by assignment on the books of the society, and each share thereof shall entitle the holder to a vote in all the transactions of the society.

SEC. 3. This society may own and hold, by purchase or otherwise, real estate for its purposes, not exceeding fifty thousand dollars in value, and may dispose of the same at pleasure.

SEC. 4. *Be it further enacted*, That as the plan for the said educational fund was devised and adopted by the said Memphis Annual Conference, at its session, in 1859, and is contained in the report of a special com-

Committee made to said session of said Conference, in paragraphs or sections numbered consecutively, from one to ten inclusive, and signed G. W. Carter ; therefore, said plan so adopted by said Conference as contained in said report, is incorporated into and made a part of this act, and shall, together with the provisions of this act, constitute a fundamental law, for the raising and management of said educational fund ; which report is in the words following : The special committee appointed to devise a scheme for the endowment of Andrew College, after due consideration of the subject referred to them, respectfully submit the following plan for the action of the Conference :

1. There shall be raised a fund of one hundred and twenty thousand dollars as a permanent endowment for a first class male college, located within the bounds and under the control of the Memphis Annual Conference.

Report of Special
Committee.

The said college to embrace the six following departments, as independent and full professorships, to wit : Metaphysics, Ancient Languages, Mathematics, Natural Science, Modern Language and Biblical Literature.

2. The endowment fund shall be raised on the following basis :

1. Fifty thousand dollars may be raised by the sale of scholarship, on the following terms :

A. Any person by the payment of three hundred dollars, to the trustees of the endowment fund, shall acquire a limited scholarship, that is, the right of keeping at Andrew College, free of tuition fees, one student, as long as the purchaser may live.

B. Any person by the payment to the trustees of the endowment fund, of five hundred dollars, shall acquire a perpetual scholarship, that is, the right of keeping at Andrew College, free of tuition fees, one student in perpetuity ; such scholarship to be transferred at the will of the purchaser, as any other property.

2. Seventy thousand dollars shall be raised by voluntary contributions.

3. Any person giving ten thousand dollars to the endowment fund, may determine the title of one of the professorships in Andrew College.

4. The money subscribed or donated, shall be paid in cash to the agent appointed for Andrew College, or else be secured in bonds executed and made payable to the treasurer of the board of trustees herein provided for ; said bonds payable in three equal annual instalments

bearing interest from date, and the first instalment to be paid twelve months after the date of the bond.

5. The purchaser of the scholarship shall not receive the benefits thereof, nor acquire any legal title to said scholarships, until the whole amount, principal and interest, due on the bonds shall be actually paid to the trustees of the endowment fund.

3. The endowment fund shall be held and managed by an incorporated board of nine trustees, residing within the bounds of the Memphis Conference, who shall be elected by the Conference, and hold their offices as trustees, subject to the pleasure of said Conference.

4. The board of trustees shall be empowered and required to make a judicious investment of the funds committed to them, subject to such directions as the conference may deem necessary, for either the enhancement or security of the endowment fund.

5. The board of trustees shall keep an accurate and full record of their proceedings, and submit to the Memphis Conference, at an early day during each of its annual sessions, a full report of their actions, and of the amount and condition of the fund in their custody.

6. The annual income from the endowment fund shall be appropriated to pay the salaries of the officers of Andrew College, and any surplus from this source shall, at the pleasure of the Conference, be invested with the permanent fund or appropriated to the purchase of apparatus, or the extension and repairs of the college buildings.

7. All orders from the treasurer of Andrew College upon the treasurer of the endowment fund, shall be prior to their payment, also countersigned by the president of the college.

8. An agent shall be appointed for Andrew College who shall canvass the charges within the limits of the Conference, and make the collections necessary to the completion of the proposed endowment.

9. It shall be the duty of said agent furthermore, to pay over to the board of trustees, all moneys collected and bonds executed, so soon as said board shall have been incorporated and are ready to receive the funds; he shall also keep an accurate account of all collections made by him, either in money or bonds, and report the same to the Conference at its ensuing annual session.

10. The salary of the agent shall be determined by the trustees of Andrew College, and his salary, traveling

and other necessary incidental expenses shall be paid from the moneys collected by him.

G. W. CARTER, Chairman.

SEC. 5. *Be it further enacted*, That the provisions of this act, together with the 1st, 2d, and 3d sections of the act of 1852, chapter 351, passed on the 26th day of February, 1852, which sections are so enacted and adopted as a part of this act, and shall constitute a part of the charter of incorporation of Andrew College, and be obligatory upon the board of trustees of said college whenever said board of trustees shall assent thereto, and cause their assent to be entered on their minutes.

SEC. 6. *Be it further enacted*, That the trustees of said educational endowment fund shall hold their offices until their successors are appointed by said Conference, which shall be every two years.

SEC. 7. This society may publish in connection with the book and tract interest, which is its special object to foster, a newspaper in the city of Memphis, under such title as they may adopt; and the stockholders in the Memphis "Christian Advocate" under its former charter, shall have the same rights and privileges in the newspaper published by this society as in the "Advocate" they now hold.

SEC. 8. This society shall be located in the city of Memphis, Tennessee.

WHEREAS, The Memphis Annual Conference of the Methodist Episcopal Church, South, wish and desire to raise the sum of one hundred and twenty thousand dollars as a permanent endowment for a first class male college, located within the bounds and subject to the control of said Conference: Therefore,

SEC. 9. *Be it further enacted*, That Moses J. Wicks, Samuel Watson, Q. C. Atkinson, H. L. Dunscombe, and J. D. Williams, of Shelby county, B. W. Williamson, of Fayette county, H. Evens, of Oxford, of Mississippi, Simon B. Sykes, of Aberdeen, and W. K. Love, of Hernando, Mississippi, and their successors in office, be, and are hereby constituted a body politic and corporate, under the name of the trustees of the Educational Endowment Fund of the Memphis Conference, and by the name aforesaid, nine trustees and their successors in office, shall have succession for ninety-nine years; that they may have a common seal which they may change, renew or destroy at their pleasure; with the right, by their corporate name aforesaid, to sue and be sued, plead and be impleaded, to make contracts for the sale

Educational En-
dowment Fund.

of scholarships in said college by themselves or agents, on the terms and to the extent prescribed by said conference ; to receive, hold, and manage, any lands, goods or chattels, stocks, choses in action, or money which may be given, granted, devised, or bequeathed to, or that may be purchased by them for the use of said college with the funds committed to their trust, as hereinafter specified.

SEC. 10. *Be it further enacted*, That said trustees and their successors, shall organize by electing president, secretary and treasurer, out of their own body, and they may adopt such by-laws and regulations for their government, as they find necessary : *Provided*, They are consistent with the constitution and laws of this State, and the United States, and the special objects of this act.

SEC. 11. *Be it further enacted*, That said trustees and their successors shall be appointed, and all vacancies in said board supplied by said Annual Conference ; that said trustees shall receive said sum of one hundred and twenty thousand dollars, whatever part of said fund may be raised and all accumulations thereto, and all real and personal property, choses in action, and money received and contributed or bought by themselves, said Conference or others, for the endowment of said male college ; and they shall as promptly and judiciously as practicable, manage and invest said funds by lending the same at interest, in the State or elsewhere, or by the purchase of profitable stocks or other property, subject to such direction as said Annual Conference may from time to time deem necessary and prescribe, for the enhancement or better security of said permanent fund ; they shall keep an accurate and full record of their proceedings, and the amount, character and condition of the funds in their custody, or if required, shall produce and submit their records and all their papers, vouchers, choses in action, and funds in hand, connected with said trust, subject to the order and will of said Annual Conference.

Annual income,
how appropri-
ated.

SEC. 12. *Be it further enacted*, That the annual income from said endowment fund shall be forever appropriated to the use and support of a first class male college within the bounds of said Conference, and unless from some unforeseen and sufficient reasons, said Conference shall change the immediate and present location of the college to be thus supported, and until such change may be made, said income shall be appropriated to paying the salaries of the officers and professors of Andrew College, at Trenton, Tennessee ; and any surplus from this source, shall, at the pleasure of the Conference, be in-

vested, (held and managed by said trustees) with the said permanent fund, or appropriated to the purchase of apparatus, or the extension and repair of the college buildings; and until said change shall be, (if ever) made, and said trustees notified thereof by said Conference, and another college equipped and prepared to receive the pupils, and comply with the terms of the scholarship contracts made in raising said endowment fund, the treasurer of said board of trustees shall pay over the income aforesaid to the treasurer or authorized agent of said Andrew College, upon the order of the last named treasurer, countersigned by the president of said college.

SEC. 13. *Be it further enacted*, That the female institution of learning, established at Woodbury, by, and belonging to the Baptist denomination, be, and the same is hereby chartered and incorporated by the name of the Baptist Female College, at Woodbury.

Baptist Female
College.

SEC. 14. *Be it further enacted*, That the following named persons and they and their successors, as hereafter provided, constitute a corporation for ninety-nine years, to wit: L. H. Bethel, P. C. Palley, Abel Rushing, M. R. Rushing, B. F. Odem, Fountain Owen and L. D. Stewart.

SEC. 15. *Be it further enacted*, That said corporation shall be able and liable in law and equity, to sue and be sued, plead and be impleaded, to answer and be answered, and to defend and be defended in all courts and places, as any other legally and regularly constituted corporation; may have a common seal, may alter and change the same at pleasure, and also shall be able to take, purchase, grant, devise, or in any other lawful manner, and to hold any real, personal, or mixed estate, whatever: *Provided*, The same be used for the promotion of education.

SEC. 16. *Be it further enacted*, That said trustees and their successors in office, shall have full power and authority to collect and receive all funds that have in any way been contributed or pledged, or may hereafter be contributed or pledged, for the establishment, enlargement, maintenance or benefit of said institution, or for any of its purposes, and to apply the same for the use of the institution; said trustees shall further have power to sell and dispose of any and all the property belonging to said institution, and make a *pro rata* distribution of the proceeds thereof to the stockholders according to the amount subscribed: *Provided*, the same shall fail to be used for school purposes for two or more consecutive years.

SEC. 17. *Be it further enacted,* That the number of trustees shall be seven, five of whom shall be a quorum to do all business, and all of them shall be of the Baptist denomination.

SEC. 18. *Be it further enacted,* That the trustees and their successors in office, shall have full power and authority to direct, manage, and control the fund of the institution for the benefit of the same, to prescribe the course of study and discipline to be observed in the institution.

SEC. 19. *Be it further enacted,* That the trustees, and their successors in office, shall have power to select and elect, whenever a majority of them may think proper, a president of the institution, and such professor or professors, tutor or tutors, as they may deem proper and necessary for the institution ; and these, when so elected, shall constitute a faculty for the education and government of the pupils under the restrictions hereinbefore and hereinafter enacted.

SEC. 20. *Be it further enacted,* That no member of the faculty shall be eligible to the office of trustee, except the president, who may by virtue of his office, be a member of the board of trustees.

SEC. 21. *Be it further enacted,* That the trustees shall, under the regulations provided by this act, have power, upon the death, resignation, or removal of one of its members, to supply the vacancy by the election of some other person of the Baptist denomination ; they shall also have power to make vacant the seat of any member of the board, who shall fail to attend its meetings for the term of twelve months, or who shall prove himself deficient in official duties or moral example ; and it shall be the duty of said trustees to meet from time to time upon their own adjournments, or as often as they may be summoned by the chairman or president, or in his absence, by the secretary.

SEC. 22. *Be it further enacted,* That at the end of two years from the passage of this act, the secretary and president of the board of trustees, shall give ten days notice to the stockholders of the time and place of an election of a board of trustees, who shall be elected for the term of two years, and the present board and their successors to hold office until others are elected ; one advertisement to be set up at the court house door, one on College street, and one in two other public places in the neighborhood ; the stockholders to vote by shares, twenty-five dollars to constitute one share.

SEC. 23. *Be it further enacted,* That the president of the board of trustees, as well as any other officer that may be necessary for the proper organization of the board may be elected once in every year, at such time and place as the board may fix, by a majority vote of the board, a full board being present

SEC. 24. *Be it further enacted,* That the trustees and their successors in office, have power and authority to grant and confer all such literary degrees and honors as are usual in any similar institution in the Union, and to give suitable diplomas under the signatures of the faculty, and a majority of the board of trustees, which diplomas shall entitle the possessor to the same immunities and privileges allowed by usage and habit to the possessor of diplomas from any similar institution.

SEC. 25. *Be it further enacted,* That the trustees and their successors shall have power to make all ordinances and by laws for the government of their institution which may be expedient to carry the designs of the institution into effect: *Provided, always,* they shall not make the religious tenets of any pupil a condition of admission to any privileges in said institution: *Provided, also,* that none of the laws shall be inconsistent with the Constitution and laws of this State or of the United States.

SEC. 26. *Be it further enacted,* That all actions and doings of the board of trustees hereby appointed, which have been done for the promotion of the institution and its benefit, the acquisition of property &c., be, and the same is declared legal, valid and regular, to all intents and purposes.

SEC. 27. *Be it further enacted,* That at any meeting of the board of trustees, a quorum being present, said board may, in the absence of the president, call any one of its members to the chair, whose acts shall be as valid as the acts of the president; and the acts of the board under such circumstances, shall be as regular and effectual as if the president had been present and presiding.

SEC. 28. *Be it further enacted,* That all property belonging to said institution, of every kind and description, be, and the same is hereby declared exempt from taxation.

SEC. 29. *Be it further enacted,* That James W. Martin, Joseph E. Dent, Andrew Wainwright, B. M. McFarland, Wm. G. Taylor, H. J. Sherman, J. F. Phelps, O. Perry, Weegart James, H. Beard, N. O. Underwood, J. A. Jenkins, E. D. Fausit, E. A. Fausit, James M. Durham, E. Thompkins Hollis, Graves Fonville, H. C. Roberts, and

Hickory Grove
Academy.

Joseph W. Hunter, be, and they are hereby constitute a body politic and corporate, by the name and style of the Trustees of the Hickory Grove Academy, in the county of Weakley, in said State; the said trustees shall have succession for ninety-nine years, and shall have power to fill vacancies which may occur by death or otherwise.

SEC. 30. *Be it further enacted*, That said trustees and their successors in office shall be capable in law to purchase, receive and hold to themselves, and their successors forever, any lands, tenements, goods or chattels which shall be given, granted, or devised to them for the use of said academy and to use and dispose of the same in such manner as to them shall seem most advantageous to said academy; the said trustees and their successors by the name aforesaid, may sue and be sued; plead and be impleaded in any court of law or equity in this State or elsewhere.

SEC. 31. *Be it enacted*, That the trustees shall have power to hold meetings at such times and places as they may think proper, also elect their president, secretary, and treasurer; and they alone shall have power to expel disorderly students, and also the selection of teachers; a majority of said trustees shall be a quorum to do business and manage the interest of said institution.

SEC. 32. *Be it further enacted*, That no misnomer or misdescription of said corporation in any deed, will, gift, grant, devise or other instrument of contract or conveyance shall vitiate the same, but the same shall take effect in like manner as if the corporation was rightly named: *Provided*, It be sufficiently described to ascertain the intent of the parties.

SEC. 33. *Be it further enacted*, That this act take effect from and after its passage.

SEC. 34. *Be it further enacted*, That Wm. M. Reed, Wm. E. Ward, and Andrew Allison, now constituting the "Committee of Publication of the Cumberland Presbyterian Church," under the appointment of the General Assembly, be, and they are hereby constituted a body corporate and politic; under the name and style of "The Board of Publication of the Cumberland Presbyterian Church," and as such it shall have power to own property, to make contracts, to sue and be sued; and to have and enjoy such other powers and be subject to such liabilities as are incident to corporate bodies by the general laws of the land; said board shall be subject to the regulation and control of the general assembly of said

The Board (of)
Publication of
the Cumberland
Presbyterian
Church.

church under its past and future action on that subject ; the number of the board may be increased or diminished, and all vacancies filled as the said authority has or may direct ; the general assembly of the church shall also have power to locate the board, and change the same at pleasure ; and also at any time to alter the name of said corporation or dissolve the same, but not so as to prejudice the rights of others.

SEC. 35. *Be it enacted*, That no donation by will or otherwise, nor any conveyance to said board, shall fail because of any mistake as to the name of the corporation : *Provided*, The intention is manifest ; and all donations clearly intended for the cause of publication in the said church shall inure to the said board, although they may be made to any other society or organization of the said church whether incorporated or not.

SEC. 36. *Be it enacted*, That A. G. Goodlett, W. S. Langdon, W. E. Ward, W. M. Reed, Andrew Allison, W. S. Deloney, and H. H. Harrison, and their successors be incorporated under the name and style of the " Education Society of the Cumberland Presbyterian Church," with all the powers, privileges and rights, and subject to all limitations, restrictions and control prescribed in the foregoing sections for the " Board of Publication."

Education Society of the Cumberland Presbyterian Church.

SEC. 37 *Be it further enacted*. That James Penn, J. J. Worsham, L. V. Dixon, A. B. Jewell, J. F. Sellers, P. A. Hamilton, Charles Scott, Thomas A. Nelson, Samuel M. Jobe, and James T. Brown, and their associates, be, and they are hereby declared a body corporate, with succession for fifty years, by the name of the " Masonic Temple of Memphis," and by that name may contract and be contracted with ; sue and be sued ; plead and be impleaded ; answer and be answered unto, in all courts or other places whatever, may purchase and hold real estate and erect thereon buildings, for the purposes of said corporation, and may rent or dispose of such part of said buildings as their wants may not require : *Provided*, That the stock of said association paid in shall not exceed the sum of two hundred and twenty-five thousand dollars.

Masonic Temple of Memphis.

SEC. 38. *Be it further enacted*, That the said Masonic Temple of Memphis, may have and use a common seal, and the same break, alter, or renew at pleasure.

SEC. 39. *Be it further enacted*, That when the sum of seventy-five thousand dollars shall have been subscribed, the said persons named in the first section of this act, or any one of them may call the stockholders together, after having given ten days' notice in a daily newspaper pub-

lished in Memphis, and hold an election for a president and five directors to manage the affairs of said association; the said directors shall be chosen from the stockholders of said association, who are members of the Masonic Fraternity; the stock shall be in shares of twenty five dollars each, and each stockholder may cast one vote for each share held by him or her; the said association shall have power to pass by-laws, rules and regulations for their government, and also to appoint a day for their regular election, and to enforce the collection of stock subscribed and not paid, and to declare the same forfeited: *Provided*, That none of said by-laws, rules and regulations shall be contrary to the Constitution and laws of this State or of the United States.

Memphis Medical Association.

SEC. 40. *Be it further enacted*, That Drs. H. R. Robards, Francis Rice, J. R. Hill, E. Miles Willett, W. C. Cavanaugh, and W. D. Tucker and their associates and successors, be, and the same are hereby incorporated and made a body politic, by the name and title of "The Memphis Medical Association," with full power to adopt a constitution and by-laws for the government of said association, to sue and be sued; plead and be impleaded; to keep and use a corporate seal, to hold real estate to the extent that may be required for the use of the same, and to hold personal property embracing all donations, contributions and legacies, such as books, papers pathological and anatomical, and other specimens relating to, or connecting with the science of medicine, to issue certificates of membership, and to do any other act for the mutual benefit and improvement of its members and the promotion and advancement of the science, the cure of disease, and the promotion of the public health: *Provided*, They do not act inconsistently with the laws of the land.

Purdy College.

SEC. 41. *Be it further enacted*, That the name of Purdy University, in McNairy county, be changed to Purdy College.

Greenwood Cemetery Company.

SEC. 42. *Be it further enacted*, That James E. Bailey, Joseph T. Johnson, Thomas J. Marford, E. R. W. Thomas, Hugh Dunlap, J. G. Hornberger and D. W. Kennedy, and their associates and successors, be, and they are hereby constituted a body politic and corporate, under the name and style of "Greenwood Cemetery Company;" to have perpetual succession, may sue and be sued, contract and be contracted with, plead and be impleaded, defend and be defended in all courts of law; may have a common seal, which they may change or alter at pleasure; may establish such by-laws, rules and

regulations as they deem proper for the government of said corporation: *Provided*, The same shall be consistent with this charter and the laws of this State, and the constitution and laws of the United States.

Sec. 43. *Be it enacted*, That said corporation shall have power to purchase and hold a tract or tracts of land not exceeding forty acres, to be located near the city of Clarksville, to be used as a Cemetery or burying ground; and to have all the powers and privileges that were granted to the "Mt. Olivet Cemetery Company," by act of the General Assembly, passed February 18th, 1856.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, March 22, 1860.

CHAPTER 168.

AN ACT to incorporate the town of Culleoka, in the county of Maury, and the inhabitants thereof; to incorporate the town of London, in the county of Roane; and for the benefit of Springfield, in Robertson county, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the corporation of the town of Springfield, Robertson county, be, and the same is hereby authorized and empowered to take and subscribe stock in any turnpike company that has been, or may hereafter be organized, if said corporation shall build the road to or from the corporate limits of said town of Springfield; and that said corporation may issue their bonds, running not longer than ten years, bearing interest at six per cent. per annum, payable annually, and that said bonds shall be received at par by said turnpike company. Springfield

Sec. 2. *Be it further enacted*, That when any turnpike company shall, by its president and directors, apply to the board of mayor and aldermen of the corporation of Springfield to subscribe for stock in said turnpike company, it shall be the duty of the mayor and aldermen to order, submitting the same to a vote of the owners of property in said town, and order an election to be held by the constable, after giving at least ten days' notice, specifying the amount asked for by said turnpike company; and if

a majority of those voting vote in favor of the subscription, then it shall be the duty of said mayor and aldermen of said town to subscribe stock in said turnpike company payable in corporation bonds of said town, as before stated, at par: *Provided*, That said bonds shall not issue to said company until said turnpike company shall first grade their road at least five miles out, beginning at the corporation of Springfield, ready for the rock or gravel, and the president of said company shall first give the said mayor and aldermen a bond in double the amount of the subscription, payable to the corporation of Springfield, conditioned that he faithfully apply the said bonds to the McAdamizing or gravelling of said five miles of road; after which it shall be the duty of the mayor and aldermen of said town to issue said bonds to said turnpike company, or their agent.

Culleoka incorporated.

SEC. 3. *Be it further enacted*, That the town of Culleoka, in the county of Maury, and the inhabitants thereof, are hereby incorporated by the name and style of the Mayor and Aldermen of the town of Culleoka, and shall have perpetual succession; and by their corporate name may sue and be sued, plead and be impleaded, grant, receive property, or dispose of the same for the benefit of said town, and may have and use a town seal.

Boundaries.

SEC. 4. *Be it further enacted*, That the corporate limits of the town of Culleoka shall be as follows, viz: Beginning on the east edge of the old Davis' Ford road, near a rock between the lands of John J. Beaty and Wm. H. Wilkes; running thence eastwardly to the mouth of a lane dividing the lands of John T. Rentfro and John Ballanfant, east of the Dry branch; thence north with the line between said Rentfro and Ballanfant to John Toomb's line; thence west with said Toomb's line to his southwest corner; thence north with his line to the northeast corner of W. H. Wilkes' land; thence west on the line between said Wilkes and Joseph Ballanfant to said Wilkes' northwest corner; thence due west to east edge of said road, to the beginning.

Powers.

SEC. 5. *Be it further enacted*, That said corporation shall have power to enact such by-laws and ordinances as may be necessary and proper to preserve the health, peace, quiet, and good order of said town, to prevent and remove nuisances, to punish breaches of good order committed within the limits of said corporation. To provide for taxing, regulating and licensing auctions, theatrical and other shows, exhibitions and fairs. To restrain and prohibit gaming and gaming houses; to restrain tippling houses, and to pass all laws necessary for

the regulation of the same; to pass by-laws and ordinances in relation to cleaning, paving and grading streets, alleys and sidewalks; to provide for the establishment of a fire company; to provide for the improvement of springs, and digging wells and cisterns; to appoint a treasurer, recorder and town constable; to impose and collect fines and forfeitures for breaches of the by-laws and ordinances of the corporation; to levy and collect tax upon all property, polls and privileges within the said corporation which are taxable by the laws of this State, or which may, for the time being, be taxable by the laws thereof; to appropriate all fines, penalties and forfeitures for the breach of the laws and ordinances; to levy and collect taxes for the purpose of carrying the measures and powers herein granted into operation for the benefit of said town, and to pass all laws and ordinances necessary and proper to carry the intention and meaning of this act into effect: *Provided*, They are not incompatible with the constitution and laws of this State.

SEC. 6. *Be it further enacted*, That all fines, penalties and forfeitures imposed or accrued by or under the by-laws and ordinances of said corporation not exceeding fifty dollars, may be recovered by action of debt, before the Mayor of said corporation, or any Justice of the Peace of Maury county; and for sums exceeding fifty dollars, before the Circuit Court of said county.

SEC. 7. *Be it further enacted*, That on the first Saturday of March of each and every year, or so soon thereafter as it can be done, by giving ten days' notice, the citizens and freeholders of said town of Culleoka, who are qualified to vote for members of the Legislature, and all freeholders of said town, shall elect seven aldermen, who shall be residents of said town, five of whom shall constitute a quorum; who, when duly elected, shall hold their office one year, and until their successors are elected and qualified. The first election held under this act shall be held by the constable of the sixth civil district of Maury county, under the same rules and restrictions as apply to the election of county officers; and every succeeding election shall be held by the town constable of said corporation for time being; a certificate signed by the constable and the three judges who held the election, to the aldermen so elected shall be a good and sufficient voucher, in the hands of their recorder, to enter upon and execute all the duties of their office. All vacancies which shall occur in the Board of Mayor and Aldermen, by death or otherwise, shall be filled, until the next an-

Fines, etc.

Election of Aldermen.

nual election, by a majority of the board in office for the time being.

Election of Mayor
or and other officers.

SEC. 8. *Be it further enacted*, That the aldermen of said corporation shall, immediately upon their assuming the duties of their office, proceed to elect a Mayor, a Treasurer, a Town Constable, and a Recorder, and shall require the treasurer and constable to enter into bond and security, to be approved by the mayor, faithfully to collect, pay over and account for all moneys and other effects which may come into their hands as said constable and treasurer.

SEC. 9. *Be it further enacted*, That the mayor and aldermen of said town shall, before entering on the duties of their office, take an oath, before some Justice of the Peace for Maury county, to faithfully, uprightly and honestly demean themselves as mayor and aldermen of said corporation during their continuance in office.

Sheriff.

SEC. 10. *Be it further enacted*, That it shall be the duty of the sheriff or jailor of Maury county to receive and keep in jail any person who shall be committed to his custody by order of the mayor of said town, on a charge of violating any of the by-laws of said corporation in relation to the preservation of the peace and good of said town, until the charge or charges can be disposed of in due course of law; their fees to be the same as in other cases of imprisonment.

Constable.

SEC. 11. *Be it further enacted*, That the constable of said town shall have the same fees as are allowed by law to other constables of this State for similar services; and said constable, before he enters upon the discharge of his duties, shall take the oath prescribed by law for other constables of this State, to be administered by the mayor. It shall be the duty of the town constable to execute all warrants and other process growing out of the corporation laws, from the mayor or from a Justice of the Peace. The mayor and aldermen shall make such compensation to the treasurer and recorder as they may deem right and proper.

SEC. 12. *Be it further enacted*, That it shall be the duty of the constable faithfully to collect and pay over semi-annually, on the first Mondays of March and September, to the treasurer, all taxes, fines, forfeitures and penalties due and accruing to said corporation, and failure thereof shall be liable, by motion before the Circuit Court of Maury county against himself and securities, for the amount withheld; and to any judgments rendered

against himself and securities, there shall be twelve and a half per cent. damages. This provision is extended to the treasurer and his securities, in case he should fail to account for any of the corporation funds in his hands.

SEC. 13. *Be it further enacted*, That the inhabitants of the town of Loudon, in the county of Roane, heretofore incorporated by the County Court of said county under the general law, passed 7th of January, 1850, authorizing the County Court to grant charters of incorporation, be, and the same is hereby incorporated in the name of the Mayor and Aldermen of Loudon, with all the privileges, power, rights and immunities said general law was intended to confer; and with the limits and boundaries heretofore laid off and designated, and with jurisdiction, power and authority within and to said limits and boundaries.

Loudon incorporated.

SEC. 14. *Be it further enacted*, That the mayor and aldermen, and all other officers of said town, heretofore elected according to the former charter and existing laws, shall have all the power and authority as such officers which the said former charter and laws conferred upon them, and which the said County Court had power and intended to confer; and that they shall hold their offices and exercise said powers according to existing laws and the requirements of said charter; and that all their acts done under and by virtue of said charter and laws, be, and the same are hereby declared in full force and validity, so far as the same can be done by this Legislature, as if they had been done under and by virtue of a charter granted by the General Assembly of the State of Tennessee.

Mayor, Aldermen, etc.

SEC. 15. *Be it further enacted*, That the jurisdiction of the Mayor shall be co-extensive with that of a Justice of the Peace, in the bounds of said corporation, upon all questions coming up for adjudication in which the corporation is concerned.

SEC. 16. *Be it further enacted*, That the Memphis Insurance Company, located at Memphis, Tennessee, be, and the same is hereby authorized to increase its capital stock to five hundred thousand dollars, or to any amount not less than three hundred thousand, and that the president and directors may open books for subscription and secure the same; and do all things connected with the increase of capital stock in accordance with the strictest construction of the original act of incorporation. The Company shall pay to the State an additional bonus

Memphis Insurance company.

of one-half of one per cent. upon its increase of capital; and this act take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 22, 1860.

CHAPTER 169.

AN ACT to give the citizens of Morgan county the right to vote upon the removal of their Court house.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the qualified voters of Morgan county, Tennessee, shall, on the first Saturday in September next, have the right to vote at the various precincts in said county, as to whether they desire the county site removed from Montgomery to Wartburg, in said county

SEC. 2. *Be it further enacted*, That those in favor of it being removed to Wartberg, will write upon their tickets, "Wartberg," and those desiring the county site to remain where it is, will write upon their ticket, "Montgomery."

SEC. 3. *Be it further enacted*, That it shall be the duty of the sheriff of Morgan county to open and hold said election, as other elections are opened and held, and report the result of the same to next General Assembly of the State of Tennessee.

W. C. WHITTHORNE,

Speaker of the House of Representatives

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 22, 1860.

CHAPTER 170.

AN ACT to incorporate the Masonic Temple, at Memphis.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That James Penn. J. J. Worsham, L. V. Dixon, A. B. Jewell, J. F. Sellers, T. A.

Hamilton, Charles Scott, Thomas A. Nelson, Samuel M. Jobe, and James T. Bourne, and their associates, be, and they are hereby declared a body corporate, with perpetual succession, by the name of the Masonic Temple of Memphis, and by that name may contract and be contracted with; sue and be sued; plead and be impleaded, answer and be answered unto in all courts or other places whatever; may purchase and hold real estate, and erect thereon buildings, for the purposes of said association, and may vest or dispose of such part of said buildings as the wants may not require: *Provided*, That the stock of said association paid in shall not exceed the sum of two hundred and twenty-five thousand dollars.

Masonic Temple.

SEC. 2. *Be it further enacted*, That the said Masonic Temple of Memphis, may have and use a common seal, and the same break, alter or renew at pleasure.

SEC. 3. *Be it further enacted*, That when the sum of seventy-five thousand dollars shall have been subscribed, the said persons named in the first section of this act, or any one of them, may call the stockholders together, after having given ten days' notice in a daily newspaper, published in Memphis, and hold an election for a president and five directors, to manage the affairs of said association; the said directors shall be chosen from the stockholders of said association, who are members of the Masonic Fraternity; the stock shall be in shares of twenty-five dollars each, and each stockholder may cast one vote for each share held by him or her; the association shall have power to pass by laws, rules and regulations for their government, and also to appoint a day for their regular election, and to enforce the collection of stock subscribed and not paid in, and to declare the same forfeited: *Provided*, That none of said by-laws, rules and regulations shall be contrary to the Constitution and laws of this State or of the United States.

SEC. 4. *Be it further enacted*, That this act take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 22, 1860.

CHAPTER 171.

AN ACT to regulate the time of holding the Circuit Courts for the county of Davidson.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter the Circuit Courts for the county of Davidson shall be held in the city of Nashville, on the fourth Mondays in January, third Mondays in May, and first Mondays in September.

SEC. 2. *Be it further enacted*, That all process now returnable to the Circuit Court of Davidson county, on the second Monday in May next, shall be returned to the third Monday thereof.

SEC. 3. *Be it further enacted*, That this act shall take effect from and after its passage

W. C. WHITTHORNE,

Speaker of the House of Representatives

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 1, 1860.

CHAPTER 172.

AN ACT for the relief of the Edgefield and Kentucky Railroad Company.

WHEREAS, the Legislature of Tennessee, by an act passed February 26, 1856, granted to the Edgefield and Kentucky Railroad Company, bonds of the State to the amount of \$130,000 to aid said railroad company in building bridges across Sulphur Fork and Red River, that sum being the estimated cost of both bridges upon the location of the road, as it stood at the passage of the act; *And, whereas*, The said railroad company afterwards was compelled to change that location to where it is now built, to effect a connection with the Nashville and Henderson Railroad, thereby shortening their line about one and a half miles, and diminishing the liability of the State for track and equipment about \$15,000, but the change greatly increased the cost of the bridges; *and, whereas*, under the construction of the law granting State aid to bridges, the embankment approaches were defined as "the embankment necessary to reach from the bridge on either side of the stream to the high land

beyond the overflow at high water mark of said stream," and the Edgefield and Kentucky Railroad Company, under said construction built the portion of the embankments to meet the high lands between it and the line of overflow, of solid materials, instead of trestling it as they would have done under a different construction; and, *whereas*, the estimate presented by said railroad company exhibits the fact that the total cost of the bridges and embankment approaches thereto, to the first high land, is \$185,000, being an excess over the amount appropriated, of \$55,000; *now, therefore*, to enable said Edgefield and Kentucky Railroad Company to complete said bridges and approaches to the point where the grade line strikes the first high land, in a substantial manner, thereby protecting the interest the State already has in them under the act above mentioned, and to relieve the railroad company of the increased cost of their construction, caused by the change of location.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That when the track of the Edgefield and Kentucky Railroad is laid to the Kentucky line, the Governor shall issue to said company coupon bonds of the State of Tennessee to the amount of forty-five thousand dollars; and that said bonds shall be secured by lien upon the road and equipments, the same as other bonds issued to said railroad company.

Edgefield and
Kentucky Rail-
road

SEC. 15. *Be it further enacted*, That this act take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 22, 1860.

CHAPTER 173.

AN ACT to charter the Memphis and White River Steam Packet Company, and the Clarksville and Cairo Packet Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John T. Shirley, A. M. Wisnell, and George H. Shirley, and their associates and

Memphis and
White River
Steam Packet
Co.

successors in office, be, and are hereby constituted a body politic and corporate, by the name and style of the Memphis and White River Steam Packet Company, to employ its capital in transporting passengers and produce on the Mississippi river and its tributaries, in the State of Arkansas, with all the rights, powers, privileges, and restrictions as are contained in the charter of the Nashville and Memphis United States Mail Packet Line, and the Memphis and New Orleans Steam Packet Company.

Capital stock.

SEC. 2. *Be it further enacted*, That the capital stock of said company, at its organization, shall not be less than fifty thousand dollars, and that the same may be increased to one hundred and fifty thousand dollars; the stock to be divided into shares of one hundred dollars each.

SEC. 3. *Be it further enacted*. That the corporators above named are hereby appointed under this act to open books of subscription.

SEC. 4. *Be it further enacted*, That this act shall be in full force for twenty years, from and after its passage.

Clarksville and
Cairo Packet Co.

SEC. 5. *Be it further enacted*, That C. H. Smith, T. J. Prichett, S. F. Beaumont, D. N. Kennedy, George Staker, and L. F. Pettus, be authorized to receive subscriptions of stock to a company, to be styled the Clarksville and Cairo Packet Company, and the subscribers of stock thereto, when as much as twenty-five thousand dollars are subscribed, are hereby constituted a body politic and corporate for the period of twenty years, with power to increase their capital stock to one hundred thousand dollars, and employ the same in transporting passengers and produce from Clarksville to Cairo, or to and from any other point on the Mississippi river and its tributaries, with all the rights, powers, privileges, and restrictions as are contained in the Nashville and Memphis United States Mail Packet Line, and the Memphis and New Orleans Steam Packet Company.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 22, 1860.

CHAPTER 174.

AN ACT to incorporate the Valley Bank of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a body politic and corporate is hereby established under the name and style of the Valley Bank of Tennessee, to be located in the town of Dandridge, in Jefferson county, in the State of Tennessee, with all the powers, rights, privileges and immunities, and subject to the same restrictions, regulations and liabilities granted and imposed by an act passed October 18, 1832, entitled, "an act to charter the Union Bank of Tennessee," and acts amendatory thereto, subject however to such alterations, modifications or change, and granting also all such further powers and privileges as may be created by this act, not inconsistent with the provisions hereinafter set forth.

Valley Bank of
Tennessee.

SEC. 2. *Be it further enacted*, That Samuel N. Fain, William Harris, George A. Fain, S. D. Williams, Temple Harris, William D. Fain, William Evans, James P. Swann, Moses French, Mat. Newman, Robert Burchfiel, Barney Thornton, John Cowan, William A. Moore, William McFarland, Joseph Hamilton, Joseph Headrick, Joseph Eckle, Frank Taylor, Noah White, William Kirkpatrick, John Talbot, O. R. Watkins, Col. James Newman, A. J. Mountcastle, H. T. Dick, A. F. Sangers, Richard Fielden, William Gilbraith, Joseph C. Hodges, Adam Meek, Frank Butler, Henry Countz, M. Carrigan, and Ben Branner, of Jefferson county, be, they are hereby appointed commissioners, any four of whom may act, who shall open books and receive subscriptions for the capital stock of said Valley Bank of Tennessee, at any time or times they may elect, from and after the date of the passage of this act, to the first day of January, 1864, in the town of Dandridge, Jefferson county, Tennessee. The subscribers at the time of their subscriptions shall pay ten dollars on each share of one hundred dollars so subscribed for, and afterwards such instalments as may be fixed by the commissioners, or board of directors of said bank.

Commissioners.

SEC. 3 *Be it further enacted*, That the affairs of said bank shall be conducted by five directors, who shall elect one of their number as president thereof; and three directors of which the president or his representative, duly appointed being one, shall form a quorum, to transact

Directors.

all the business of said bank ; ordinary discounts may be done by the president and two directors, and in case of sickness, or necessary absence, the place of the president may be supplied by any other director whom he, in writing, may nominate for that purpose ; or in case of his not making such nomination, the board may appoint a president *pro tempore*.

Capital Stock. SEC. 4. *Be it further enacted*, That the capital stock of said Valley Bank of Tennessee, shall be one million of dollars, but may be extended to two millions of dollars, by a vote of the stockholders ; and said "Valley Bank of Tennessee," is hereby authorized to commence the business of banking with a paid in capital stock of three hundred thousand dollars ; and upon a certificate of the Supervisor of Banks of a compliance with this section, said Valley Bank of Tennessee may commence business as contemplated in this act, and continue the same as hereby chartered, for a period of fifteen years from the date of said certificate.

SEC. 5. *Be it further enacted*, That the said Valley Bank of Tennessee, shall be subject to all the restrictions and liabilities, and have and enjoy all the rights and privileges imposed and granted by an act, entitled, an act to reform and regulate the business of banking in Tennessee, passed February 6, 1860.

SEC. 6. *Be it further enacted*, That the said "Valley Bank of Tennessee" shall be liable to all the restrictions imposed, and entitled to all the benefits and privileges granted in sections 9, 10, 11 and 13, of Senate Bill No. 281, introduced at the present General Assembly, "to incorporate the Mechanics' and Traders' Bank.

SEC. 7. *Be it further enacted*, That the Valley Bank of Tennessee may establish a Branch at Bristol, in Sullivan county, at any time after the passage of this act.

W. C. WHITTHORNE.

Speaker of the House of Representatives.

TAZ. W. NEWMAN.

Speaker of the Senate.

Passed, March 22, 1860.

CHAPTER 175.

AN ACT to charter Ridgely Encampment No. 1, of the Independent order of Odd Fellows, of the city of Nashville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That W. G. Wynn, J. C. Periman, John F. Hyde, B. R. Cutter, David C. Love, and Kosciusko Branch, the present officers of Ridgely Encampment, No. 1, Independent Order of Odd Fellows of the city of Nashville, and their successors in office, be, and the same are hereby created a body politic and corporate, by the name and style of Ridgely Encampment, No. 1, Independent Order of Odd Fellows, of the city of Nashville, and by that name are hereby invested with all the powers and authority to acquire, hold, possess and occupy and enjoy real and personal estate to the amount of fifty thousand dollars, and to sell and convey or otherwise dispose of the same under the by-laws, rules and regulations of said encampment : *Provided*, Such by-laws, rules and regulations be not contrary to the Constitution of the United States, or the Constitution and laws of the State of Tennessee ; and said corporation by its name aforesaid shall be competent to contract and be contracted with ; sue and be sued ; plead and be impleaded ; answer and be answered ; defend and be defended in all the courts of law and equity, in this State or elsewhere ; and they are further empowered to hold and use a common seal, and to have power and authority, to change, amend or alter said seal, and their by laws, rules and regulations, at their pleasure : *Provided*, Said changes, amendments, or alterations do not conflict with the Constitution and laws of this State, or of the United States.

SEC. 2. *Be it further enacted*, That the power of any future Legislature to alter or amend this charter is reserved ; and that this act take effect from and after its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, March 22, 1860.

CHAPTER 176.

AN ACT to repeal so much of the act passed 4th of November 1857, "An act to repeal the act of 1856, creating the office of County Judge," as applies to the county of Sevier

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That so much of an act passed 4th of November 1857, acts 1857-8, page 3, chapter 5, section 1, entitled, "an act to repeal the act of 1856, creating the office of County Judge," as applies to the county of Sevier, be, and the said is hereby repealed.

SEC. 2. *Be it further enacted*, That the act of the General Assembly of the State of Tennessee, passed the 20th of Feb. 1858, entitled, "an act to create and regulate the office of County Judge in the counties of Davidson, Shelby, Knox, Montgomery and Williamson," shall apply to the county of Sevier, except as hereinafter provided.

SEC. 3. *Be it further enacted*, That the first election for County Judge in Sevier county, shall be held at the same places and by the same officers that other county elections are held, and the Sheriff of said county shall give twenty days' notice of the time and place of election, and shall hold the first election for county Judge on the third Saturday in May, 1860.

SEC. 4. *Be it further enacted*, That the judge elected for the county of Sevier shall receive three dollars and fifty cents per day during the sitting of the monthly and quarterly courts: *Provided*, This act shall not take effect until a majority of the qualified voters of said county shall cast their votes in favor of the creation of such County Judge, and said majority shall be ascertained as in other elections, and as follows, viz: The County Court of said county shall appoint a day of election to ascertain the will of said majority, giving thirty days' notice of said election; those in favor of the creation of the office of county judge shall write on their tickets the word "judge" and those opposed to the creation of the office shall write on their tickets "no judge".

SEC. 5. *Be it further enacted*, That this act take effect from its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 22, 1860.

CHAPTER 177.

AN ACT to enable the Nashville and North-western Railroad Company to unite with or lease the Mississippi Central Railroad, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Nashville and North-western Railroad Company, be, and the said company is hereby authorized at any time hereafter to unite and consolidate with the Mississippi Central Railroad Company upon such terms and conditions as may be agreed upon by the board of directors of each company, the two companies to become thereafter one company with all the corporate powers, rights and privileges conferred by their respective charters, where there is no conflict between them, and with the corporate powers, rights, and privileges of the charter of Nashville and North-western Railroad Company, when there is any conflict.

SEC. 2. That the united company shall be known by the name and style of the Nashville and Mississippi Railroad Company, or such other name as may be agreed upon by the directors of the united company.

Nashville and
Mississippi
Railroad Co.

SEC. 3. That upon the union of said companies, the stockholders of each shall become stockholders in the common road according to the several amounts of their stock or as may be agreed upon; and immediately after such union, the stockholders shall at a general meeting to be called by the president and directors of the Nashville and Northern Railroad Company, elect one board of directors for the new company under such rules and regulations, and in such manner as the stockholders at the general meeting shall prescribe.

SEC. 4. That if a union of the new company is not effected as above provided, the Nashville and North-western Railroad Company, be, and the said company hereby is authorized to lease the Mississippi Central Railroad for such a length of time, and upon such terms and conditions as may be agreed upon by the board of directors of each company, and after such leave to run, use and manage the said road so leased, whether in this or any other State under and with all the corporate powers, rights and privileges, and subject to the limitations and restrictions of the charter of the company whose road is leased.

SEC. 5. That the said Nashville and Northwestern Railroad Company or the united company as above, is also further authorized to unite with any other company whose road may connect with it in the direction of New Orleans, in the

Steta of Louisiana, upon the same terms and conditions and in the same way as above provided, so as to form a continuous line of railroad to, or in the direction of New Orleans.

Mississippi Central Railroad.

SEC. 6. *Be it further enacted*, That upon said Mississippi Central Railroad complying with an act passed the 11th of February 1852, entitled, "An act to establish a system of internal improvements in this State," it shall be the duty of the Governor to issue bonds of the State to said company, as is required in said act, at the rate of ten thousand dollars per mile, from the town of Jackson in the county of Madison, to the town of Huntingdon, in the county of Carroll: *Provided*, That the said company, or companies shall receive no State aid unless the consolidation is effected between said companies as provided in section first or section fourth of this act.

Atlantic, Tennessee and Ohio Railroad Co.

SEC. 7. *Be it further enacted*, That the Atlantic, Tennessee and Ohio Railroad Company have the further time of two years to commence their work on said road, from and after the passage of this act.

Coosa and Chattooga Railroad Company.

SEC. 8. *Be it further enacted*, That upon it being made appear to the Governor of this State from the certificate under oath of the president or chief engineer of the Coosa and Chattooga Railroad Company, that that part of said road lying between where the said road crosses the Cleveland and Chattanooga Railroad at Tynersville, in Hamilton county, Tennessee, and where said road strikes the Tennessee river in Hamilton county, has been graded and prepared ready for the reception of the iron railing; it shall be the duty of said Governor to issue to said company coupon bonds of the State in such amounts as said company may desire: *Provided*, The amount in the aggregate shall not exceed fifty thousand dollars; said bonds shall be made payable at the end of thirty years from date and shall bear six per cent. interest; and may be sold at such times, and in such markets as said company may decide best for their interest.

Lien by the State.

SEC. 9. *Be it further enacted*, That a lien is hereby given to the State upon all that part of said road lying in Tennessee, and all fixtures and property connected therewith, owned by said company, to secure the State in the issuance of said bonds, and such lien may be enforced in the same way and manner, as prescribed in the several acts of Assembly in this State in relation to the Nashville and Chattanooga Railroad Company, and each stockholder in Tennessee shall be individually liable for the payment and liquidation of said bonds to

the extent of their respective shares of stock in said road, but no further.

SEC. 10. *Be it further enacted*, That the said bonds shall only be applied to the ironing and equipping of that part of said road lying between Tynersville aforesaid and where said road strikes the Tennessee aforesaid.

SEC. 11. *Be it further enacted*, That said Coosa and Chatoga River Railroad Company in its corporate charter shall hereafter have full power and authority to issue bonds of said company in such amounts and at such times as said company may desire, to be sold and used for the purpose of prosecuting the work on said road to completion, but the State shall have nothing to do with said bonds.

SEC. 12. *Be it further enacted*, This act shall take effect from its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 22, 1860.

CHAPTER 178.

AN ACT to authorize the Judge of the Fourteenth Judicial Circuit of Tennessee to hold the Chancery Courts for the counties of Madison and Hardeman.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this act, the Judge of the Fourteenth Judicial Circuit of Tennessee shall open and hold the Chancery Courts for the counties of Madison and Hardeman; the courts for the county of Madison to be held at Jackson, on the third Mondays of February and August; and for Hardeman county, at Bolivar, on the second Mondays in February, and second Mondays in August.

SEC. 2. *Be it further enacted*, That all the powers and authority conferred by law upon chancellors in this

State are hereby conferred upon the Judge of the Fourteenth Judicial Circuit of Tennessee.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 22, 1860.

CHAPTER 179.

AN ACT for the relief of the widow and heirs of Ancil Chapil.

Be it enacted by the General Assembly of the State of Tennessee, That a judgment obtained against Ancil Chapil, in the Supreme Court at Nashville, on a forfeiture of a bond he had given for the appearance of Robert Chapil, at said court, on an appeal from the Circuit Court of Hickman county, be, and the same is hereby canceled and declared of no effect, except so much as will pay the cost accruing in said Supreme Court.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 22, 1860.

CHAPTER 180.

AN ACT to repeal a portion of an act passed 15th March, 1858.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That sections 1, 2, 3, 4, 5, 6, 7, 8 and 9, of an act passed the 15th March, 1858, entitled, "an act to keep up public roads by taxation in Lauderdale county, and for other purposes," pamphlet acts 1857-'8, page 328, chapter 131, so far as the same applies to Lauderdale county, be, and the same is hereby repealed.*

SEC. 2. *Be it further enacted*, That this act take effect from its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, March 22, 1860.

CHAPTER 181.

AN ACT to incorporate the 154th Regiment of Tennessee Militia.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Col. Wm. H. Carroll, Lieut. Col. Preston Smith, Major A. H. Douglas, Major Marcus J. Wright, Surgeon Dr. N. Thumel, and Adjt. G. H. Monsarat, officers of the 154th regiment of Tennessee Militia, and Captains Wm. Miller, N. Frech, James M. Edmonson, J. Genet, Lieutenants A. Munch, M. Maier, — Officers. Kendell, John Gengel, James Specht, C. L. Powers, F. Krone, Isaac Straus, R. T. Hood, together with their associates in the muster roll of said regiment, be, and they are hereby incorporated and constituted a body politic, to be known as the 154th Regiment of Tennessee Volunteers, and by that name shall have succession for fifty years, and a common seal to be altered or changed at pleasure, and as a body corporate may have and enjoy legal rights, and remedies in as full and ample degree as any similar corporation in this State.

SEC. 2. *Be it further enacted*, That said corporation, their successors and associates, by their name aforesaid, shall be capable in law of buying and selling, having, receiving and enjoying lands, tenements and hereditaments of any and all kinds for life, or a term of years, and personal property of every kind whatever, and sums of money to any amount that may be given, granted, sold or bequeathed to them to erect buildings for an armory; purchase ground for erecting the same on, or anything else necessary and proper for the use, training, and accommodation of said regiment.

SEC. 3. *Be it further enacted*, That said regiment or corporation may pass such by-laws for their own government as a majority of them may think proper, not in-

, consistent with the laws of this State or of the United States.

SEC. 4. *Be it further enacted*, That they shall have power to increase the numbers not exceeding ten companies, said companies in all not to exceed one thousand men.

SEC. 5. *Be it further enacted*, That the officers of the regiment elected by a majority thereof shall be commissioned by the Governor of Tennessee and hold their offices for the same term, and be governed by the same laws, usages and regulations as other officers of the militia of this State.

SEC. 6. *Be it further enacted*, That the property of said incorporation be exempt from all tax.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 22, 1860.

CHAPTER 182.

AN ACT in regard to the Knoxville and Kentucky, and the Cincinnati, Cumberland Gap and Charleston Railroad Companies.

Road Commissioners.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the road commissioner, whenever he is called upon by the Knoxville and Kentucky Railroad Company, to inspect the work already done on the bridge across Clinch river, and to ascertain the actual and estimated cost of said bridge; in doing so he shall be authorized to examine the engineer or engineers who have made the estimates, and when he shall have ascertained what would be the entire cost of the bridge, he shall make his report to the Governor, and if the amounts to be expended shall be less than one hundred thousand dollars, the difference between that amount and one hundred thousand, may be drawn by the company and applied to the work of grading, masonry and bridges upon other parts of the road, and shall be counted as part of the capital stock of the company; it shall be the duty of the Governor upon the coming in of said report, as above directed, to issue the six per cent. bonds of the State for said excess or differ-

ance, with such securities or bonds are issued to agents of railroad companies in other cases.

SEC. 2. *Be it further enacted*, That the Cincinnati, Cumberland Gap and Charleston Railroad Company are hereby authorized at any time to call upon the railroad commissioner to attend at the points where the bridges of said road are to be located across Clinch and Holston rivers, and they shall have two competent engineers who shall make an estimate of what would be the actual cost of building said bridges, and furnish the same under oath to said commissioner, with such other facts and statements in regard to said bridges as he may require at their hands, with a view to ascertain what would be the real cost of said bridges; it shall be the duty of the commissioner to report to the Governor the estimated cost so ascertained by them, and if such cost in the aggregate amounts to less than two hundred thousand dollars, then it shall be the duty of the Governor to issue the six per cent. bonds of the State for the amount of the excess or difference between said estimated cost of said bridges, and two hundred thousand dollars, to said company whenever applied for, and this amount shall be applied south of the East Tennessee and Virginia Railroad, in the same manner, and issued under the same guaranties as laid down in the foregoing section in relation to the Knoxville and Kentucky Railroad Company; and the amount of said difference shall be counted as a part of the capital stock of said company.

Cincinnati,
Cumberland Gap
and Charleston
Railroad Co.

W. C. WHITTHORNE

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 22, 1860.

CHAPTER. 183.

AN ACT to charter the Granville and Martin's Creek Turnpike Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That White Myers, Rollin Hogin, Albert Stanton, Stanton Carter, Robert Montgomery, sr., Matthew E Hogin, Overton Pate, and Albert Manear, be, and they are hereby incorporated and constituted a body politic and corporate under the corporate name and style of the Granville and Martin's Creek

Turnpike Company; and that they may build a turnpike road to lead from Granville, in Jackson county, up Martin's Creek on the most practicable route and ground to the Walton road, between Milly Roland's and the Mary Taylor plantation; that they may establish toll-gates every five miles, and charge the usual rates of toll; and the said company, for the aforesaid purpose, may open books and receive subscriptions in shares of fifty dollars each, allowing each subscriber to take as many shares as he may desire; and whenever five thousand dollars shall have been subscribed, the said company may organize under the general powers and privileges of such corporations, and they shall have power and succession for ninety-nine years.

Big Creek
Bridge Co.

SEC. 2. *Be it further enacted*, That the charter of the Big Creek Bridge Company, granted the 19th of March, 1858, be so amended that said company may be entitled to receive five cents each for footmen crossing said bridge.

Gainsboro' and
Defeated Creek
Turnpike Co.

SEC. 3. *Be it further enacted*, That for the purpose of locating the route upon which the Gainsboro' and Defeated Creek Turnpike shall be built, Thomas H. Butler, of Jackson county, be, and he is hereby appointed a commissioner to act by himself or in conjunction with aid, as he may deem proper or necessary, to survey the two routes from Gainsboro', by the way of Flynn's Lick, to the aforesaid termini in Smith county, as aforesaid, and when the survey shall have been made, and reported to the company of the road, the same shall be adopted as the proper route, the same shall be conformed to in building said road; the said commissioner and his assistant, if any he may employ, shall be sworn by some Justice of the Peace, that they will in their survey, have due respect to the practicability of the routes; having regard to the probable cost of building each; the durability of the road after being built on either route; and report, on their said oath, to said company, which of the two routes aforesaid, will be the more practicable and judicious.

SEC. 4. *Be it further enacted*, That this act shall take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives

TAZ. W. NEWMAN,

Speaker of the Senate

Passed, March 22, 1860.

CHAPTER 184.

AN ACT to charter the Grant White Lead and Oil Works.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That James A. Grant, James R. Christian, John H. Marshall, Jesse H. McMahon and C. B. Church, their associates and successors, are hereby created a body corporate and politic, for the period of ten years from the passage of this act, by the name of "The Grant White Lead and Oil Works," and by that name shall have succession; sue and be sued, and complain and defend, and may make a common seal, and alter the same at pleasure; may purchase, lease, receive, hold, transfer and convey such real and personal estate as may be expedient in and for the management of the business as herein defined; may appoint such officers, agents, and servants as said business shall require, and prescribe their duties and fix the compensation, and may make by-laws not inconsistent with the laws of this State, for the management of its property, and the regulation of its affairs.

Grant White
Lead and Oil
Works.

SEC. 2. *Be it further enacted*, That this company shall have power to carry on and transact the business of buying, selling, and manufacturing cotton seed oil, oil cake soap; soap making and hulling cotton seed, and to engage in and conduct all transactions and operations which may be expedient to prepare and put its manufacturing stock in market at home or abroad.

SEC. 3. *Be it enacted*, That the capital stock of this company shall be one hundred thousand dollars; half of which shall be paid in machinery, cotton seed, money, or other materials required in said business; and said stock may be increased from time to time to a sum not exceeding two hundred and fifty thousand dollars, whenever the stockholders shall by vote so direct; the stock shall be deemed personal property, and shall be transferrable on the books of said company: *Provided, always*, That notice of such transfer be published for thirty days in some newspaper of Memphis.

Capital stock.

SEC. 4. *Be it further enacted*, That at such time and place as a majority of the corporators named in the first section, shall, in writing appoint, books shall be opened for subscriptions to the said capital stock, and may be kept open until the stock shall have been subscribed, but no stock shall be issued or sold which is not represented to the amount thereof by the machinery, cotton seed, money, or other material, paid in and required in said

business ; that a semi-annual statement of the liabilities of the company shall be published in one or more of the newspapers published in Memphis for one month.

Directors.

SEC. 5. *Be it further enacted*, That the affairs of this company shall be managed by a board of not less than three directors, who shall be stockholders therein ; but the stockholders may at any time, by vote, increase the number of directors to five ; any vacancy happening by death or otherwise, shall be filled for the remainder of the term by the board.

SEC. 6. *Be it further enacted*, That as soon as stock to the amount of fifty thousand dollars shall have been subscribed and paid in, a time and place shall be designated in writing, by a majority of the corporators above named, for the election of three directors, of which the stockholders shall be notified, and the persons then elected shall constitute the directory until their successors are elected.

Elections.

SEC. 7. *Be it further enacted*, That on the first Monday in December of each year, between the hours of ten o'clock in the forenoon and three o'clock in the afternoon, at such place as the board may designate, an election shall be held of directors to serve for the ensuing year, and until their successors shall be duly elected, and written or printed notice of such election shall be given to each stockholder personally, or through the post office, at least ten days before the day of election ; if from any cause an election be not had on said day, it may be held on any day which may be appointed by the board, or by any three stockholders, of which, like notice shall be given.

SEC. 8. *Be it further enacted*, That all elections shall be by ballot, and the name and number of shares of each stockholder shall be endorsed on his ballot, every stockholder shall be entitled to one vote for each share of his stock, and he may vote in person or proxy ; those persons receiving the highest number of votes shall be declared elected.

SEC. 9. *Be it further enacted*, That for the protection of the creditors of said company hereby chartered, it shall be the duty of said company before it declares a dividend to set apart a sufficient amount of solvent assets to pay the debts of said company, and that dividends shall only be declared out of the nett profits, after the payment of all liabilities.

SEC. 10. *Be it further enacted*, That no part of the capital stock of said company which shall have been paid in, and upon which it may be doing business, or any of

the dividends or profits arising from the same, shall, at any time be withdrawn therefrom by any of the shareholders therein, for any purpose whatever, other than the legitimate objects of said company, so as to make the liabilities of the same at any time greater in amount than two-thirds of the amount of its solvent assets.

SEC. 11. *Be it further enacted*, That this act take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 22, 1860.

CHAPTER 185.

AN ACT to incorporate the Avoca Springs Company in the county of Sullivan, State of Tennessee, and for other purposes.

WHEREAS, It is represented to the General Assembly that Randal W. McGavock, and Wm. H. Gordon, are proprietors of certain property in the county of Sullivan, consisting of several tracts of land lying contiguous to each other, on which are situated the much celebrated Springs known as the Avoca Springs; that it has long been considered desirable that said property should be placed under such auspices as more effectually and extensively to diffuse the valuable medicinal virtues of said springs; and that the said proprietors wishing to carry out the views of the public on this subject, are induced to apply for a charter of incorporation for the purpose of being enabled to make such improvements in the buildings and on the grounds as may be required: *And whereas*, It is just and expedient that such facilities should be greater under proper restrictions: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Randal W. McGavock, and Wm. H. Gordon and all others who may become owners of stock in said company, be, and they are hereby constituted a body politic and corporate, under the name and style of the Avoca Springs Company, and by that name and style, they and their successors shall have perpetual succession, may sue and be sued; contract and be con-

Avoca Springs
Company.

tracted with, have and use a common seal ; may purchase and hold real estate to an amount not exceeding fifteen hundred acres, at or near the said springs ; may sell, lease and rent the same ; may purchase and hold personal property ; and may make by-laws, rules and regulations for the government of the same.

Capital Stock. SEC. 2. That the capital stock of said company shall not be less than fifty thousand dollars, nor more than three hundred thousand dollars, to be divided into shares of one hundred dollars each ; stock to the amount of the value of the land purchased by the company, at such price as may be agreed upon, may be subscribed in land ; the residue of the stock shall be payable in improvements or money, and books shall be opened for subscriptions to stock in said company, under the direction and control of the proprietors aboved named, at such time and place as they may agree upon ; and so soon as five hundred shares, making fifty thousand dollars, shall be subscribed, the company shall be organized and the stockholders shall assemble at Bristol, or at some other point agreed upon by them, and elect directors, and do such things as they have authority for by this charter.

Directors. SEC. 3. *Be it enacted*, That for the managing of the affairs of the company a board of directors shall be elected, consisting of not more than nine or less than five, who shall be stockholders, and hold their offices one year and until their successors are elected ; the first election to place at the first general meeting of the stockholders as provided above ; the said directors (a majority of whom shall constitute a quorum) may elect a president, and in his absence, a president *pro tempore* ; they shall have power to supply vacancies in their own body ; to call special meetings of the stockholders ; to appoint such officers, agents and clerks as shall be authorized in a general meeting, and do all other acts and things touching affairs of the company not otherwise provided for ; dividends of the nett profits of said company shall be made at such times as shall be determined by the stockholders in general meeting.

SEC. 4. *Be it enacted*, That the said Randal W. McGavock, and Wm. H. Gordon, so soon as the requisite amount of shares is taken, and the amount of land and its value agreed upon by the stockholders, shall convey to the said company a good and perfect title in fee simple to the aforesaid property, free from all incumbrances, and also deliver to the said company possession of the same when demanded ; and thereupon the said pro-

erty conveyed to the said company, shall be thenceforth vested in said company, and constitute the capital stock.

SEC. 5. *Be it enacted*, That a majority of the stockholders in interest may from time to time enlarge the capital stock of said company for the purpose of making additional improvements, by selling, or ordering the president and directors to sell shares therein at such time and in such manner, and at such price or prices, and in such amount as a general meeting may direct, not exceeding the sum of three hundred thousand dollars, and upon additional stock being taken, the owners thereof shall be to all intents and purposes members of the company hereby incorporated, and shall have equal privileges and powers with the persons before named; and any premiums obtained upon such new stock shall be the common property of all the stockholders in proportion to the capital stock held by them respectively.

SEC. 6. *Be it enacted*, That a general meeting of said company shall be held annually on the third Monday in August, at the Avoca Springs, in the county of Sullivan; Annual meeting
of stockholders. the presence of a majority of the stockholders in interest, in person, or by proxy, shall be necessary to the transaction of business at such meetings, but a smaller number may adjourn from time to time; in all general meetings of said company the stockholders shall be entitled to one vote for every share owned by them respectively, up to the number five inclusive and one more vote for every ten additional shares, and may appear and vote on all questions in person or proxy.

SEC. 7. *Be it enacted*, That the stock of the said company shall be deemed personal estate, and pass as such to the representatives of each stockholder, and may be transferred, and certificates thereof issued in such manner and form as the president and directors or the stockholders in general meeting shall from time to time direct: *Provided*, That nothing herein contained shall be so construed as to prevent the said company from selling and conveying any part of such real estate as they may hold, and which may be hereby incorporated into stock and declared personal estate, or to authorize the conveyance of such real estate (when sold or disposed of,) in any other manner than that prescribed by the laws of this State for the conveyance or disposal of real estate, and when it is so sold and conveyed, from being considered real estate.

SEC. 8. *Be it enacted*, That if any subscriber or stockholder shall fail to pay the amount due on the stock for which he has subscribed, or of which he has become the

Delinquent
stockholders.

owner, or any instalment thereof at the time prescribed by the president and directors, it shall be lawful for the company to recover from the delinquent or from his, her, or their representative or representatives, the amount which may be so due, by action of debt, in any court of record having jurisdiction of the case, and that such delinquent shall receive no dividend until the amount of subscription shall have been paid with the interest that may have accrued thereon from the time at which payments should have been made; all transfers of stock shall be made on the books of the company, under such provisions as the president and directors may prescribe; and if said corporation should be dissolved, it shall have existence for the purposes of liquidation and the distribution of the property among those entitled to the same.

SEC. 9. *Be it further enacted*, That the president and directors shall have power to establish vineyards on the premises for the benefit of the company, and convey lots to cottagers upon such terms and conditions as they may from time to time prescribe; They shall keep a regular journal of their proceedings, where the vote of the members shall be recorded on all questions affecting the interest of the company.

SEC. 10. *Be it further enacted*, That G. M. Branner, Wm. G. Swan, and Columbus Powell, and others who may have become interested with them, are hereby constituted a body politic and corporate, under the name and style of the Lee Springs Company, and by that name and under that style may sue and be sued, plead and be impleaded, and shall have and enjoy all the privileges and immunities heretofore granted to the Avoca Springs Company, in the county of Sullivan.

SEC. 11. *Be it enacted*, That the said Lee Springs Company, after their organization, shall hold their meetings at Knoxville, in the county of Knox, Tennessee.

SEC. 11. *Be it enacted*, That said Lee Springs Company shall have the same power to purchase real estate, as heretofore granted, to the amount of five thousand acres, at, or contiguous to the said springs in the county of Grainger, State of Tennessee; this act to take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives

TAZ. W. NEWMAN,

Speaker of the Senate

Passed, March 22, 1860.

CHAPTER 186.

AN ACT for the relief of William Craig and others.

WHEREAS, Certain sums of money, portions of the revenue, were paid by various persons into the Bank of East Tennessee, at Knoxville, which bank, acting under the authority and instructions of the Bank of Tennessee, received and receipted for the same, but failed to pay over said money to the Comptroller: *And whereas*, Suits have been instituted against William Craig, G. M. White, Jas. R. Cooke, and the administrator of G. W. C. Cox, deceased, in the Circuit Court of Knox county, and James M. Nicholson, in the county of Jefferson, who paid over to the Bank of East Tennessee, the sums severally due from each of them, and hold the receipt of said bank for the same: Therefore,

Wm. Craig, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all cases where suits have been commenced against persons who stand charged on the Comptroller's books with any amount of revenue unpaid, it shall be the duty of the Comptroller to dismiss the same at the cost of the State, upon the production, by the parties sued, of receipts from the Bank of East Tennessee, for the sums which they severally stand charged and to credit said parties with the amounts respectively of their receipts; and it shall also be the duty of the Comptroller when any other person presents a receipt from the Bank of East Tennessee, to credit each person with the amount of the same, and said receipts, in the hands of the Comptroller, shall be good and sufficient vouchers for him on settlement

Comptroller.

SEC. 2. *Be it further enacted*, That all persons who have been sued, and have filed such receipts as are specified in the first section of this act, in any courts in this State, shall be permitted to withdraw the same for purpose of filing them with the Comptroller, on leaving a copy in said court.

SEC. 3. *Be it further enacted*, That it shall be the duty of the Attorney General, and he is hereby instructed to investigate the payment of the revenue into the Bank of East Tennessee, and institute proceedings for the recovery thereof, against any such bank or banks, person or persons, as he may believe to be chargeable with, or liable for the same; and especially that he be instructed to file a bill against the State Bank, Bank of East Tennessee, and Traders' Bank.

Attorney General.

SEC. 4. *Be it further enacted*, That this act shall take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 23, 1860.

CHAPTER 187.

AN ACT to regulate the time of holding the Circuit Courts at Jasper, Marion county, and for other purposes.

Circuit Courts of Marion county. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter the Circuit Courts in Marion county, shall be holden on the second Mondays of March, July and November in each and every year, and all laws to the contrary are hereby repealed.

Sheriff of Monroe county. SEC. 2. *Be it further enacted*, That the sheriff of the county of Monroe is hereby authorized and empowered to appoint one additional deputy.

Chancery Court of Decatur and of Perry county. SEC. 3. *Be it further enacted*, That the Chancery Court of Decatur county hereafter shall be held at Decaturville, on the second Mondays in June and November ; and that the Chancery Court of Perry county hereafter shall be held at Lindon, on Thursday following.

Chancery Court of Robertson county. SEC. 4. *Be it further enacted*, That the Chancery Court for the county of Robertson, after the next regular term shall be holden for said county at Springfield, on the first Monday in May and the first Thursday after the second Monday in November, in every year.

Circuit Court for Stewart county. SEC. 5. *Be it further enacted*, That hereafter that the Circuit Courts for the county of Stewart shall be held the first Monday in November, instead of the second Monday in November ; and that this act take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 23, 1860.

CHAPTER 188.

ACT to amend the charter of the Atlantic, Tennessee and Ohio Railroad Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee.* That the charter of the Atlantic, Tennessee and Ohio Railroad Company, be, and the same is hereby so amended that the board of directors of said company shall have the power to tap or intersect the East Tennessee and Virginia Railroad with their road, at the Carver depot, or any point west of said depot.

Atlantic, Tennessee and Ohio Railroad Company.

SEC. 2. *Be it further enacted,* That the president and directors of the Tennessee and Alabama Railroad Company shall have the power to issue income bonds of the company for an amount not exceeding three hundred thousand dollars, having not more than ten years to run to maturity, from 1st day of April, 1860, with coupons for interest attached, payable semi-annually, which shall not exceed ten per cent. per annum; the principal and interest of said bonds may be made payable at Memphis, Nashville, Charleston, South Carolina, New Orleans, or in the city of New York, as said president and directors may deem best.

Tennessee and Alabama Railroad Co.

SEC. 3. *Be it further enacted,* That to secure the payment of said principal and interest, the president and directors of said company shall have power to execute a deed of trust or mortgage on the receipts of the road, upon the rolling stock, real estate, franchises, right of way, and other property of the company, real or personal, or mixed; but nothing herein contained shall be so construed as to interfere in any shape or form with a prior or statutory lien in favor of the State of Tennessee, which shall remain at all times paramount to all other claims or liens whatever; *Provided, also,* That before the president and directors shall issue said income bonds, the stockholders shall be called together, and a majority of the stock shall assent thereto. This act shall take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 23, 1860.

CHAPTER 189.

AN ACT to renew the charter of the Southern Railroad Company, and repeal that part of the act passed March 15th, 1853, as applies to said road; also, to authorize the Mobile and Ohio Railroad to construct a branch road from its main trunk to the Tennessee river.

Southern Railroad company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the charter granted to the Southern Railroad company with the several amendments thereto, be, and the same is hereby renewed and re-enacted; and said company shall have until the 25th day of December, 1863, to begin the construction of said road, and shall have ten years from the passage of this act to complete the same: *Provided*, That the northern terminus of said Southern Railroad shall connect with the southern terminus of the Tennessee and Alabama Railroad. And the southern terminus of said Southern Railroad shall connect with the northern terminus of the Mobile and Ohio Railroad where it taps the Tennessee river, either by its main trunk or branch road.

SEC. 2. *Be it further enacted*, That said Southern Railroad company shall be entitled to all the rights, privileges and immunities that were originally granted and extended to said company by the original act hereby re-enacted, and the acts amendatory thereto; and by an act styled, An Act to establish a system of Internal Improvements in this State, passed February 11th, 1852; and to the Tennessee and Alabama railroad, prior to the acts of 1857-8.

Tennessee and Alabama Railroad company.

SEC. 3. *Be it further enacted*, That the Tennessee and Alabama railroad company, a majority of its stockholders voting therefor, may subscribe for and take stock in the Southern Railroad Company to any amount not exceeding two hundred thousand dollars.

Mobile and Ohio Railroad Co.

SEC. 4. *Be it further enacted*, That the Mobile and Ohio Railroad is hereby authorized to construct a branch road from the point of its intersection with the Memphis and Charleston railroad, so far as lies within this State, to the Tennessee river, in lieu of the requirements of its original charter to touch the Tennessee river with its main trunk line.

SEC. 5. *Be it further enacted*, That said branch road shall be entitled to all the privileges of acts of 1851-2 and 1853-4, granted to the said main trunk road: *Provided*, That not more than ten miles of said branch road located within this State shall receive the benefits of this

ct, and provided that the sa'd ten miles shall be graded and cross-tied according to the provisions of said acts, within five years from the passage of this act.

SEC. 6. *Be it further enacted*, That this act take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 23, 1860.

CHAPTER 190.

AN ACT to incorporate the Memphis, Elmwood and Greenwood Railroad Company; and the Lookout Mining and Manufacturing Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Samuel Watson, Wm. B. Hamlin, J. G. Cummings, W. W. McAnally, A. J. Montgomery, Newton Ford, W. K. Poston, James Lemon, James M. Provine, J. D. Williams and John W. Fowler, with others who may become stockholders therein, be, and they are hereby constituted a body politic and corporate, by the name and style of the Memphis, Elmwood and Greenwood Railroad Company, with power to sue and be sued in any of the tribunals of this State; to have and use a common seal, to hold, sell and convey estate, real and personal, to such an extent as the purposes of its organization may demand; to make by-laws for its regulation and government, and generally to do and perform such things, and enjoy such immunities and privileges as like companies enjoy in this State.

SEC. 2. The capital stock of said company shall be fifty thousand dollars, for the subscription of which any two or more of said corporators may open books, at such point in the city of Memphis and at such time as they may elect. No subscription of said stock shall be obligatory upon said company or subscriber, unless five dollars on each share subscribed be paid in cash or secured by note at date of subscription. When fifteen thousand dollars of the stock is subscribed, the company may be organized.

SEC. 3. The said company shall have the privilege a right of way upon either or both sides of the public road leading from the southern line or boundary of said city of Memphis, as now defined, on the north to Kerr's Avenue, on the south along the road commonly known as the Memphis and Hernando Plankroad, with lateral branches along Williams, Walker or McLemore avenues as far east as the eastern line of Elmwood Cemetery: *Provided*, That the track of said road be laid in such manner as not, in any wise, to impede the passage of wagons, carriages or footmen at any of the crossings.

SEC. 4. The affairs of said company shall be managed by five directors, who shall be elected annually, at such time and in such way as may be prescribed by the by-laws adopted by the company; the first election to be had within twenty days of the subscription of said fifteen thousand dollars in amount of stock. Each share shall entitle the holder to one vote in all the deliberations of the company. The board of directors may and shall elect their own officers.

SEC. 5. In all respects, save those enumerated above, the said company may enjoy the same privileges and be subject to the same restrictions as are conferred and imposed upon the Memphis and Charleston Railroad Company by the various acts of the Legislature of Tennessee: *Provided*, That nothing in this act contained shall be so construed as to authorize the aid of the State, or the loan of any bonds to the company hereby incorporated. This charter shall continue in full force and effect for the space of thirty years from and after the passage of this act.

Lookout Mining
Company.

SEC. 6. *Be it further enacted*, That a body corporate and politic is hereby established by the name and style of the Lookout Mining and Manufacturing Company, for the purpose of mining, vending and transporting stone coal and other minerals, melting and manufacturing the same, and for the further purpose of mining, manufacturing, transporting, vending and rolling iron, by means of a rolling mill or mills; also to manufacture and vend nails, agricultural implements, and all other articles requiring either iron or wood as component parts; and said company may engage in other branches of manufacturing, which it may see fit to engage in. Said company is empowered to make and use a common seal; to change the same at pleasure; to make such by-laws, not inconsistent with the laws of this State or of the United States, as may be necessary and useful; to

sue and be sued, to have succession for ninety-nine years; to hold by purchase or otherwise, and to dispose of the same, any real estate or personal property which may be convenient or necessary for the carrying on of its operations, or which it may become possessed of in payment of debts due it, in whole or in part, or otherwise purchase: *Provided, nevertheless, That the real estate so held shall, at no time, exceed double the maximum amount of its capital stock hereinafter provided.*

SEC. 7. *Be it enacted, That the capital stock of said company shall be divided into shares of one hundred dollars each, and shall consist of not less than two hundred shares and not more than five thousand shares; transferable only on the books of the company, and then only with the consent of the board of directors, unless the full amount of said shares shall have been paid. The company shall have power to declare forfeited to it, any stock upon which the instalments called for remain unpaid, in whole or in part; or it may, at its option, sue for and recover the unpaid amount before any tribunal having jurisdiction of such sums, first, however, having give thirty days' notice of such call having been made. Said company shall have power to transact its business at one or more points, as may be deemed expedient: Provided, That Chattanooga, or its immediate vicinity shall be its principal point of business.*

SEC. 8. *Be it enacted, That the officers of said company shall consist of five directors, who, together with a president by them elected from their own body, shall manage its own affairs. The said directors shall be elected by the stockholders, each stockholder being entitled to one vote for every share of stock he may hold; said stockholders may either vote in person or by proxy. The directors shall hold their office for one year, and until their successors shall have been elected; and may fill all vacancies that may occur in their own body.*

SEC. 9. *Be it enacted, That Edward W. Marsh, James Cameron, Wm. E. Kennedy, Wm. D. Fulton and James O. Warner, are hereby appointed commissioners, who, or a majority of whom, may open books, at such times and places as they may think proper, and receive subscriptions of stock on such terms as to time of payment as they may deem expedient; and when the number of two hundred shares have been subscribed, or any greater number, the said commissioners shall, after due notice, proceed to hold an election of directors of the company;*

Delinquent
stockholders.

owner, or any instalment thereof at the time prescribed by the president and directors, it shall be lawful for the company to recover from the delinquent or from his, her, or their representative or representatives, the amount which may be so due, by action of debt, in any court of record having jurisdiction of the case, and that such delinquent shall receive no dividend until the amount of subscription shall have been paid with the interest that may have accrued thereon from the time at which payments should have been made; all transfers of stock shall be made on the books of the company, under such provisions as the president and directors may prescribe; and if said corporation should be dissolved, it shall have existence for the purposes of liquidation and the distribution of the property among those entitled to the same.

SEC. 9. *Be it further enacted*, That the president and directors shall have power to establish vineyards on the premises for the benefit of the company, and convey lots to cottagers upon such terms and conditions as they may from time to time prescribe; They shall keep a regular journal of their proceedings, where the vote of the members shall be recorded on all questions affecting the interest of the company.

SEC. 10. *Be it further enacted*, That G. M. Branner, Wm. G. Swan, and Columbus Powell, and others who may have become interested with them, are hereby constituted a body politic and corporate, under the name and style of the Lee Springs Company, and by that name and under that style may sue and be sued, plead and be impleaded, and shall have and enjoy all the privileges and immunities heretofore granted to the Avoca Springs Company, in the county of Sullivan.

SEC. 11. *Be it enacted*, That the said Lee Springs Company, after their organization, shall hold their meetings at Knoxville, in the county of Knox, Tennessee.

SEC. 11. *Be it enacted*, That said Lee Springs Company shall have the same power to purchase real estate, as heretofore granted, to the amount of five thousand acres, at, or contiguous to the said springs in the county of Grainger, State of Tennessee; this act to take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives

TAZ. W. NEWMAN,

Speaker of the Senate

Passed, March 22, 1860.

CHAPTER 186.

AN ACT for the relief of William Craig and others.

WHEREAS, Certain sums of money, portions of the revenue, were paid by various persons into the Bank of East Tennessee, at Knoxville, which bank, acting under the authority and instructions of the Bank of Tennessee, received and receipted for the same, but failed to pay over said money to the Comptroller : *And whereas*, Suits have been instituted against William Craig, G. M. White, Jas. R. Cocke, and the administrator of G. W. C. Cox, deceased, in the Circuit Court of Knox county, and James M. Nicholson, in the county of Jefferson, who paid over to the Bank of East Tennessee, the sums severally due from each of them, and hold the receipt of said bank for the same : Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all cases where suits have been commenced against persons who stand charged on the Comptroller's books with any amount of revenue unpaid, it shall be the duty of the Comptroller to dismiss the same at the cost of the State, upon the production, by the parties sued, of receipts from the Bank of East Tennessee, for the sums which they severally stand charged and to credit said parties with the amounts respectively of their receipts ; and it shall also be the duty of the Comptroller when any other person presents a receipt from the Bank of East Tennessee, to credit each person with the amount of the same, and said receipts, in the hands of the Comptroller, shall be good and sufficient vouchers for him on settlement

SEC. 2. *Be it further enacted*, That all persons who have been sued, and have filed such receipts as are specified in the first section of this act, in any courts in this State, shall be permitted to withdraw the same for purpose of filing them with the Comptroller, on leaving a copy in said court.

SEC. 3. *Be it further enacted*, That it shall be the duty of the Attorney General, and he is hereby instructed to investigate the payment of the revenue into the Bank of East Tennessee, and institute proceedings for the recovery thereof, against any such bank or banks, person or persons, as he may believe to be chargeable with, or liable for the same ; and especially that he be instructed to file a bill against the State Bank, Bank of East Tennessee, and Traders' Bank.

SEC. 4. *Be it further enacted*, That this act shall take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 23, 1860.

CHAPTER 187.

AN ACT to regulate the time of holding the Circuit Courts at Jasper, Marion county, and for other purposes.

Circuit Courts of Marion county. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter the Circuit Courts in Marion county, shall be holden on the second Mondays of March, July and November in each and every year, and all laws to the contrary are hereby repealed.

Sheriff of Monroe county. SEC. 2. *Be it further enacted*, That the sheriff of the county of Monroe is hereby authorized and empowered to appoint one additional deputy.

Chancery Court of Decatur and of Perry county. SEC. 3. *Be it further enacted*, That the Chancery Court of Decatur county hereafter shall be held at Decaturville, on the second Mondays in June and November; and that the Chancery Court of Perry county hereafter shall be held at Lindon, on Thursday following.

Chancery Court of Robertson county. SEC. 4. *Be it further enacted*, That the Chancery Court for the county of Robertson, after the next regular term shall be holden for said county at Springfield, on the first Monday in May and the first Thursday after the second Monday in November, in every year.

Circuit Court for Stewart county. SEC. 5. *Be it further enacted*, That hereafter that the Circuit Courts for the county of Stewart shall be held the first Monday in November, instead of the second Monday in November; and that this act take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 23, 1860.

CHAPTER 188.

AN ACT to amend the charter of the Atlantic, Tennessee and Ohio Railroad Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the charter of the Atlantic, Tennessee and Ohio Railroad Company, be, and the same is hereby so amended that the board of directors of said company shall have the power to tap or intersect the East Tennessee and Virginia Railroad with their road, at the Carter depot, or any point west of said depot.

Atlantic, Tennessee and Ohio Railroad Company.

SEC. 2. *Be it further enacted*, That the president and directors of the Tennessee and Alabama Railroad Company shall have the power to issue income bonds of the company for an amount not exceeding three hundred thousand dollars, having not more than ten years to run to maturity, from 1st day of April, 1860, with coupons for interest attached, payable semi-annually, which shall not exceed ten per cent. per annum; the principal and interest of said bonds may be made payable at Memphis, Nashville, Charleston, South Carolina, New Orleans, or in the city of New York, as said president and directors may deem best.

Tennessee and Alabama Railroad Co.

SEC. 3. *Be it further enacted*, That to secure the payment of said principal and interest, the president and directors of said company shall have power to execute a deed of trust or mortgage on the receipts of the road, upon the rolling stock, real estate, franchises, right of way, and other property of the company, real or personal, or mixed; but nothing herein contained shall be so construed as to interfere in any shape or form with a prior or statutory lien in favor of the State of Tennessee, which shall remain at all times paramount to all other claims or liens whatever; *Provided, also*, That before the president and directors shall issue said income bonds, the stockholders shall be called together, and a majority of the stock shall assent thereto. This act shall take effect from and after its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, March 23, 1860.

CHAPTER 189.

AN ACT to renew the charter of the Southern Railroad Company, and repeal that part the act passed March 15th, 1858, as applies to said road; also, to authorize the Mobile and Ohio Railroad to construct a branch road from its main trunk to the Tennessee river.

Southern Railroad company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the charter granted to the Southern Railroad company with the several amendments thereto, be, and the same is hereby renewed and re-enacted; and said company shall have until the 25th day of December, 1863, to begin the construction of said road, and shall have ten years from the passage of this act to complete the same: *Provided*, That the northern terminus of said Southern Railroad shall connect with the southern terminus of the Tennessee and Alabama Railroad. And the southern terminus of said Southern Railroad shall connect with the northern terminus of the Mobile and Ohio Railroad where it taps the Tennessee river, either by its main trunk or branch road.

SEC. 2. *Be it further enacted*, That said Southern Railroad company shall be entitled to all the rights, privileges and immunities that were originally granted and extended to said company by the original act hereby re-enacted, and the acts amendatory thereto; and by an act styled, An Act to establish a system of Internal Improvements in this State, passed February 11th, 1852; and to the Tennessee and Alabama railroad, prior to the acts of 1857-8.

Tennessee and Alabama Railroad company.

SEC. 3. *Be it further enacted*, That the Tennessee and Alabama railroad company, a majority of its stockholders voting therefor, may subscribe for and take stock in the Southern Railroad Company to any amount not exceeding two hundred thousand dollars.

Mobile and Ohio Railroad Co.

SEC. 4. *Be it further enacted*, That the Mobile and Ohio Railroad is hereby authorized to construct a branch road from the point of its intersection with the Memphis and Charleston railroad, so far as lies within this State, to the Tennessee river, in lieu of the requirements of its original charter to touch the Tennessee river with its main trunk line.

SEC. 5. *Be it further enacted*, That said branch road shall be entitled to all the privileges of acts of 1851-2 and 1853-4, granted to the said main trunk road: *Provided*, That not more than ten miles of said branch road located within this State shall receive the benefits of this

act, and provided that the said ten miles shall be graded and cross-tied according to the provisions of said acts, within five years from the passage of this act.

SEC. 6. *Be it further enacted*, That this act take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 23, 1860.

CHAPTER 190.

AN ACT to incorporate the Memphis, Elmwood and Greenwood Railroad Company; and the Lookout Mining and Manufacturing Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Samuel Watson, Wm. B. Hamlin, J. G. Cummings, W. W. McAnally, A. J. Montgomery, Newton Ford, W. K. Poston, James Lemon, James M. Provine, J. D. Williams and John W. Fowler, with others who may become stockholders therein, be, and they are hereby constituted a body politic and corporate, by the name and style of the Memphis, Elmwood and Greenwood Railroad Company, with power to sue and be sued in any of the tribunals of this State; to have and use a common seal, to hold, sell and convey estate, real and personal, to such an extent as the purposes of its organization may demand; to make by-laws for its regulation and government, and generally to do and perform such things, and enjoy such immunities and privileges as like companies enjoy in this State.

SEC. 2. The capital stock of said company shall be fifty thousand dollars, for the subscription of which any two or more of said corporators may open books, at such point in the city of Memphis and at such time as they may elect. No subscription of said stock shall be obligatory upon said company or subscriber, unless five dollars on each share subscribed be paid in cash or secured by note at date of subscription. When fifteen thousand dollars of the stock is subscribed, the company may be organized.

and in no stage of the river shall the free navigation of said river shall be obstructed and if not so built, the same may be abated at the instance of any citizen or citizens, on indictment or presentment, or bill filed for that purpose, and that said bridge shall be liable in damage for all injuries thence arising, in any court having jurisdiction thereof.

SEC. 10. *Be it enacted*, That all debts contracted by said company in and about the building and erecting of said bridge for materials furnished, and for work and labor, or for either, shall be and remain a lien on the real estate so subscribed as aforesaid and shall be chargeable on the same until the assessment made on each piece of real estate for the payment of stock shall be made in full.

Desoto, Insurance Company.

SEC. 11. *Be it further enacted*, That the Desoto Insurance Company of Memphis, be, and the same is hereby amended, so that hereafter all the rights, privileges and immunities of the Memphis Insurance Company, shall or may hereafter be exercised and enjoyed by the said Desoto Insurance Company, and said company may at any time open books and have additional stock subscribed in the same, to the sum of two hundred thousand dollars.

W. C. WHITTHORNE,

Speaker of the House of Representatives

TAZ. W. NEWMAN,

Speaker of the Senate

Passed, March 23, 1860.

CHAPTER 194.

AN ACT to charter the Unionville and Richmond Turnpike, and the Bellwood Turnpike Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That there be, and is hereby created a turnpike to be styled the Unionville and Richmond Turnpike Company, with power and authority to build a McAdamized turnpike road from Unionville or some suitable point on the Shelbyville and Unionville turnpike road, at or near Unionville, to Richmond. Bedford county, the nearest and most practicable route. considering the country through which it has to travel, and

also the most suitable place of crossing Duck river, with a capital sufficient to build said road.

SEC. 2. *Be it further enacted*, That James H. Curtus, Joseph Trice, M. P. Gentry, James B. Jones, Samuel Crowne, Thomas H. Wortham, and William C. Blunton, be appointed commissioners to open books to receive subscriptions for stock in, shares of twenty-five dollars each, to be paid in money or labor, and if in labor, in such manner as the commissioners or directors may require, a majority of said commissioners to act, or any agent they may appoint may receive subscriptions.

SEC. 3. *Be it further enacted*, That said road shall, in all things have the same rights, privileges and immunities, and be subject to all liabilities and exemptions, that the Shelbyville and Unionville Turnpike Company is, and be built as that was constructed or near as it may be reasonably practicable to do so.

SEC. 4. *Be it further enacted*, That there be a turnpike road company established in Bedford county, with capital enough to build a turnpike road from the Nashville, Murfreesboro' and Shelbyville Turnpike road, at or near William K. Rammus, west, on or near the dirt road to the old Murfreesboro' road, to be styled the Bellwood Turnpike Company, and that John P. Hutton, William K. Ramour, John L. Cooper, Jeremiah B. Boethe, and Price G. Steele, any one or more of whom may act, or any agent they or a majority of them may appoint, be authorized to open books to receive subscriptions for stock in shares of twenty-five dollars each, to be paid in money or labor, on such terms as may be agreed upon, and that when a sufficiency of stock in the opinion of the commissioners is taken to build said road, the stockholders shall elect five of their number directors, one of whom shall be by the others elected president.

Bellwood Turnpike.

SEC. 5. *Be it further enacted*, That said turnpike company shall be entitled to all the rights, privileges and immunities, and subject to all the liabilities and restrictions of the Shelbyville and Unionville turnpike road.

SEC. 6. *Be it further enacted*, That whenever five miles of said road shall be built, they may erect a gate to collect tolls, and when it is constructed and finished, if it is not five miles long they shall have a gate and collect tolls for the proportion only that they have built, as compared with the five miles either in amount or for the proportion of the year as compared with the length of the road as compared to the five miles.

SEC. 7. *Be it further enacted*, That the 11th section of the charter of the Shelbyville and Rowsville Turnpike Co.

Shelbyville and Rowsville Turnpike Co.

Company, be so amended that when seven thousand dollars shall be subscribed to the capital stock of said company, the subscribers shall be a company by the name and style of the Shelbyville and Rowsville Turnpike Company, and entitled to all the rights and privileges, and be subject to all the liabilities and exemptions provided for in the original charter.

SEC. 8. *Be it further enacted*, That the County Court of Roane shall hereafter have power to appoint commissioners for the John Dearmond turnpike road, in said county, and such commissioners, when appointed by the court, shall have all the powers and be governed by the same rules and regulations as the original commissioners had in the charter granted to said Dearmond for said road.

Knoxville and
Rutledge Turn-
pike Co.

SEC. 9. *Be it further enacted*, That an act passed 27th February, 1856, chartering the Knoxville and Rutledge Turnpike Company, be, and the same is hereby revived, and that the name of John J. Craigg be substituted for that of A. A. Barnes, and the said incorporation shall have power to construct a dirt turnpike, McAdamized, or plank road, upon the terms specified in said act.

SEC. 10. *Be it further enacted*, That the same incorporators be, and they are hereby authorized to extend said road to the town of Rogersville.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 23, 1860.

CHAPTER 195.

AN ACT to charter the Hartsville Central Free Agricultural and Mechanical Fair, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John W. Dishman, Gideon Gifford, Thomas Stalkel, Richard Averitt, James D. Bennett, James R. Debow, and their associates, are hereby declared a body politic and corporate under the name and style of "Hartsville Central Free Agricultural and Mechanical Fair," with power to sue and be sued; to have a common seal, etc.; to hold, purchase, improve

or sell real and personal property necessary to promote the object of the society which is to establish an independent Agricultural, Stock and Mechanical Fair at Hartsville, in the county of Sumner; that said corporation shall have all the powers and privileges of the Galatin fair, but shall not be entitled to aid from the State, nor be subject to the Agricultural Bureau.

SEC. 2. *Be it further enacted*, That the Elmwood Cemetery Company of Memphis are hereby authorized and empowered to purchase the grounds known as the Morris Cemetery from the owners of the same, to take title therefor, and hold or dispose of the same as the property of said first named company.

Elmwood Cemetery Co.

SEC. 3. *Be it further enacted*, That after the next division fair, to be held in the county of Williamson, the division fair for the Middle Division of Tennessee, shall be held in the county having the oldest charter from the State Agricultural Bureau, not taking into consideration the counties that have already had the division fair for the middle division of the State in such county, until said fair has been held in all the counties having fairs.

Middle Division Fairs.

SEC. 4. *Be it further enacted*, That the Agricultural Bureau of the State shall notify the county entitled to have the division fair, twelve months before the time of holding the same.

SEC. 5. *Be it further enacted*, That any county not desiring to have said division fair, shall notify the Bureau of the same, and it shall go to the next county entitled to the same under the provisions of this act.

SEC. 6. *Be it further enacted*, That C. W. Charlton, Geo. W. Mabry, P. M. McClung, Wm. Moulder, John J. Reese, A. G. Scott, M. M. Armstrong, and Samuel Davis, of Knox county; David H. Cummings, of Anderson; R. H. Hodson, of Sevier; Thos. E. Oldham, of Blount; W. F. Brown, of Roane; Joseph Mee, of Bradley; Alexander E. Smith, of Cocke; Wm. C. Millson, of Greene; Jas. Laferty, of Grainger; James Bradford, of Jefferson; and Gen. W. C. Kyle, of Hawkins, be, and they are hereby authorized, or any three of them to open books for subscriptions to the capital stock of the "East Tennessee Importing and Stock growing Association."

East Tennessee Importing Stock Co.

SEC. 7. *Be it further enacted*, That books for subscription may be opened at Knoxville, and at such other places in East Tennessee, as any them or a majority of the commissioners or directors may determine, at such times as they may select, and remain open so long as they may deem proper; that the shares shall be each fifty dollars; that the capital stock may be five hundred thou-

sand dollars, or any amount less than that as the commissioners or directors may determine.

SEC. 8. *Be it further enacted*, That whenever five thousand dollars are subscribed, the stockholders may elect such number of directors as they may see fit, who may elect from their number a president and such other officers as they may desire, as well as appoint all other servants and agents necessary in their judgment to conduct the business of the corporation; and that when the company is organized it shall be known in law as the "East Tennessee Importing and Stock Growing Association;" and by that name may sue and be sued; own by purchase or gift, real estate, and also any and all kinds of horses, cattle, hogs, sheep, jacks, etc., etc.; with the privilege of growing the same, cultivating their lands, and selling the same at pleasure.

Madison county
Stock Co.

SEC. 9. *Be it further enacted*, That James S. Lyons, Henry S. Crittenden, Benj. Barr, Avery Hunt, Ed. Willis, Robt. H. Connelly, and Thomas Webb, be, and they are hereby authorized, or any three of them, to open books for subscription to the capital stock of the "Madison county Importing and Stock Growing Association."

SEC. 10. *Be it further enacted*, That the books for subscription may be opened at Jackson, at such time as a majority of the commissioners may determine, and may remain open so long as they may deem proper; that the shares shall be each fifty dollars, that the capital stock may be five hundred thousand dollars, or any amount less than that as the commissioners or directors may determine.

SEC. 11. *Be it further enacted*, That the association hereby incorporated shall be known as the "Madison County Importing and Stock Growing Association," and shall have all the powers and privileges, and be subject to all the restrictions of the East Tennessee Importing and Stock Growing Association.

Haywood county
Stock Co.

SEC. 12. *Be it further enacted*, That J. A. Rodgers, H. S. Bradford, J. A. Taylor, Dr. Edward Taylor, Henry Douglas, Eason Jones, and W. A. Moody, be, and they are hereby authorized, or any three of them, to open books for subscriptions to the capital stock of the "Haywood county Importing and Stock Growing Association."

SEC. 13. *Be it further enacted*, That the books for subscription may be opened at Brownsville at such time as a majority of the commissioners may determine, and may remain open so long as they may deem proper; that the shares shall be each fifty dollars; that the capital stock may be one hundred thousand dollars, or any

amount less than that amount as the commissioners or directors may determine.

SEC. 14. *Be it further enacted*, That the association hereby incorporated shall be known as "The Haywood county Importing and Stock Growing Association," shall have all the powers and privileges, and be subject to all the restrictions of the East Tennessee Importing and Stock Growing Association; and that this act take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 23, 1860.

CHAPTER 196.

AN ACT to change the county line between Putnam and Smith counties; Provided, that it does not reduce Putnam county below its constitutional area, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county line between the counties of Putnam and Smith, in this State, be, and the same is hereby so altered or changed as to run as follows, to wit: Beginning at a sycamore on the south bank of Cumberland river, running thence south fifty-four poles, and thence meandering eastwardly with the said river three and three-fourths miles and thirty-one poles, to a beech tree near the mouth of the Indian Creek; thence south sixty five degrees east forty-five poles to an ironwood on the east bank of the creek; thence south two degrees east seventy two poles to a stake; thence south twenty-three degrees west seventeen poles to a hickory; thence south seventy degrees west forty-one poles to a stake; thence south forty-three degrees west one hundred and forty-nine poles to a locust; thence south twenty-three degrees east twenty-one poles to a birch; thence south eight degrees west thirty-eight poles to a stump; thence west forty-six poles to a stake; thence south twenty-seven degrees west twenty poles to a stake; thence north seventy-four degrees west sixty-two poles to a sugar tree; thence south one hundred and thirty-two poles to a stake; thence south eighty degrees east twelve poles to an ash; thence south thirty-six degrees west twenty-eight poles to a buckeye; thence south

fifty-six degrees west twenty poles to a beech; thence south twenty-six degrees west twenty-three poles to a sugar tree; thence south sixty-three degrees west thirty-one poles to an ironwood in the south county line.

SEC. 2. *Be it further enacted*, That if at any time hereafter any question shall arise, so as to involve the said county of Putnam in a contest as to the constitutionality upon the extent or amount of area necessary to the existence of said county, and it shall turn out that the said county of Putnam has not the requisite constitutional area or territory without the fraction stricken off by the first section of this act, then and in that case, the said first section of this act shall be held void, and the aforesaid change of lines shall be inoperative and void.

SEC. 3. *Be it further enacted*, That the residences of D. Robeson, H. B. Clark, be, and the same is hereby embraced in the change of line, and that the line aforesaid be so modified or changed in its boundaries as to embrace them in Smith county.

SEC. 4. *Be it further enacted*, That the line between the counties of Monroe and Roane be so changed as to include all the lands of D. H. Dickey and S. H. Caldwell in the county of Monroe: *Provided*, That the change of the county line between Monroe and Roane shall not obstruct the road leading from Kingston to the depot of the East Tennessee and Georgia Railroad.

Monroe and
Roane county
lines.

SEC. 5. *Be it further enacted*, That the line between Campbell and Union counties be so changed that Wm. Albright's present farm be included in Union county, the including line shall be the county line between the aforesaid counties.

Campbell and
Union county
lines.

SEC. 6. *Be it further enacted*, That that part of John Robertson's present homestead farm now in Knox county, and Howard M. Hubbs', and William H. Dyers' farms, also in Knox county, be and they are hereby included in Union county, and the including line where it borders on Knox county, is hereby made the line between Union county and Knox county: *Provided*, That John Robertson, Wm. H. Dyer and Howard M. Hubbs are not released in any way from the payment of their *pro rata* of railroad tax, as the same may be from time to time assessed in the county of Knox; and the tax collector of Knox county is hereby empowered to proceed as in other cases in collecting said tax against said persons, as though they were citizens of Knox county.

Knox and Union
county lines.

SEC. 7. *Be it further enacted*, That section 2d of an act entitled, an act to change the line between the coun-

ties of Campbell and Scott, and for other purposes, passed February 29, 1856, is hereby repealed.

SEC. 8. *Be it further enacted*, That the county line between Campbell and Union be changed so as to leave John Lay's bend of Powell's river in Campbell county, leaving Powell's river at the narrows of said bend, below William Sweats, and running across said narrows to Powell's river, at the lower end of said John Fay's farm.

Campbell and
Union counties.

SEC. 9. *Be it further enacted*, That nothing in this act shall be held to obstruct the roads running from Ballard's tanyard to Philadelphia, and from Athens to Kingston, by way of Ballard's.

SEC. 10. *Be it further enacted*, That the county line between the counties of DeKalb and Cannon be so changed as to run as follows, to wit: beginning at the branch at Derby mill, running up the branch to the Woodbury road, near the camp-ground spring, and thence east with the main road to the old county line.

SEC. 11. *Be it further enacted*, That this act shall take effect from and after its passage, subject to the proviso, however, contained in the second section.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 28, 1860.

CHAPTER 197.

AN ACT to incorporate the Castalian Springs and Lafayette Turnpike Company; the Smyrna and Stone's River Turnpike Company, and the Smyrna and Stewart's Creek Turnpike Company, and to charter the Peytonsville Turnpike Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That R. M. Boyers, J. R. A. Tompkins, John Branham, jr., John Wilkes, Frank Scott, S. Fitts, W. Stovall, S. Rickman, and John H. Henry, of Sumner county, and L. G. Mills, W. P. P. Hobgood, W. K. Carr, Meredith Johnson, P. H. Wilkerson and M. N. Alexander, be, and they are hereby incorporated and made a body politic, by the name and style of the Castalian Springs and Lafayette Turnpike Company, having the power to sue and be sued, and of exercising all the rights and immunities of an incorporated company.

SEC. 2. *Be it further enacted,* That the capital stock of said company shall be forty thousand dollars, and shall be divided into shares of twenty-five dollars each, which may be subscribed and paid for either in money, work or material.

SEC. 3. *Be it further enacted,* That the company may organize by the election of a president, directors and treasurer, upon the amount of five thousand dollars being subscribed, the corporators being authorized to open books and receive subscription.

SEC. 4. *Be it further enacted,* That said road shall be located, commencing at Castalian Springs, and running upon the best and most favorable route, by or near L. G. Mills, on to Lafayette, Macon county.

SEC. 5. *Be it further enacted,* That the said company may commence work at either end of the road, and whenever four miles are completed, they may erect a toll-gate.

SEC. 6. The charter of the Carthage and Hartsville Turnpike Company is hereby adopted as a part of this charter, so far as the same is applicable, and it is made a part of it.

SEC. 7. *Be it also enacted,* That Charles L. Davis, Jo. W. Davis, Robert Ralston, Hickman Weakley, William M. Sanders, Houston Sanders, Sumner Sanders, John Edmunson, Charles Dillin, and James S. Simmons, are hereby appointed commissioners to open books and receive subscriptions of stock to build a turnpike road from Smyrna depot, on the Nashville and Chattanooga railroad, in a northern direction to Stone's river, and across the river by a good and substantial bridge.

SEC. 8. The stock of the company shall be divided into shares of twenty-five dollars each, and as soon as the commissioners may believe that an amount sufficient has been subscribed, either in money, or work, or both, to build the road, they shall notify the stockholders of the same, and require them by written notice, at least twenty days' in advance, of the time and place of meeting, at which time the stockholders shall elect at least five directors out of their own number, and the directors shall elect one of their number president, who shall be known as the President and Directors of the Smyrna and Stone's River Turnpike Company; be a body politic and corporate; may sue and be sued; plead and be impleaded; have a common seal and succession for ninety-nine years.

SEC. 9. The president and directors may elect a secretary and treasurer, pass by-laws necessary for the government of the company, and shall locate the road and

lect the site for the building of the bridge across Stone's river.

SEC. 10. All the officers thus elected shall hold their respective offices for two years, and until their successors are elected, and shall have power to make contracts with any person for the building of said road, bridge, or any part thereof.

SEC. 11. In the election of directors each stockholder shall be entitled to as many votes as he may have shares of stock.

SEC. 12. The road shall be opened thirty feet wide, graded twenty feet, with sufficient ditches on each side to drain the road; the first coat of stone or gravel shall be sixteen feet wide and six inches thick, and the second coat shall be of the same thickness, and eight feet wide.

SEC. 13. The company may use any earth, timber, stone or gravel within one mile of their road, necessary to construct the same, and if they cannot agree with the owners of the same for the value thereof, each party may elect two disinterested freeholders to assess the value of damages to the owner, and the company shall pay the assessment immediately, and if they refuse to pay the amount thus assessed by the freeholders or by a majority of them, the party injured may recover judgment for the amount before any tribunal having jurisdiction in such cases.

SEC. 14. The company may erect one toll-gate on the road at such point as they may select, and receive the same rates of toll as the Jefferson Turnpike Company. Gates.

SEC. 15. If the County Court of Rutherford county shall appropriate and pay one-half of the amount of cost of building the bridge, then the company shall not be entitled to receive any tolls at the bridge, but if the County Court shall not pay the above estimated amount then the company may exact and receive half the rates of toll for the bridge to which they are entitled at their gates.

SEC. 16. *Be it also enacted by the authority aforesaid,* That Alfred Elliott, Silas Tucker, Wiley Brown, Isham Peebles, L. Davis, Benjamin Batey, and S. B. Bowling, be, and are hereby appointed to receive subscriptions to build a turnpike road from Smyrna depot on the Nashville and Chattanooga railroad to the head of Stewart's creek, or near there, and the road shall be known as the "Smyrna and Stewart's Creek Turnpike," and the company organized in the same manner, and enjoy all the benefits, and be subject to all the restrictions of the Smyrna and
Stewart's Creek
Turnpike.

"Smyrna and Stone's River Turnpike Company," so far as applicable.

SEC. 17. *Be it further enacted*, That the two last named companies may avail themselves of all the benefits and privileges granted to turnpike companies by the Code of Tennessee, which are not incompatible with the provisions herein granted.

SEC. 18. *Be it further enacted*, That all persons who shall become stockholders in the way and manner hereinafter mentioned, shall be, and they are hereby constituted a body corporate, by the name and style of the Peytonville Turnpike Company, and by that name may sue and be sued, plead and be impleaded, and have and enjoy all the rights, privileges and powers appertaining to bodies politic and corporate by law.

SEC. 19. *Be it further enacted*, That the capital stock of said company shall be divided into shares of twenty-five dollars each.

SEC. 20. *Be it further enacted*, That the following persons, to-wit: James W. Stavens, E. S. B. Gasey, Wm. Parish, William Burns, B. T. Roberts, B. B. Toon, and Eli Dodson, shall be commissioners for said company, a majority of whom shall hold their first meeting at Peytonville, and shall appoint one or more of their own number or any other person or persons, agent to solicit subscriptions of stock in said company, either in money or work.

SEC. 21. *Be it further enacted*, That as soon as three thousand dollars, or an amount in the opinion of the commissioners sufficient to build five miles of said road be subscribed, then they, or a majority of them shall call a meeting of the stockholders, by giving ten day's notice at some public place or places in the vicinity of the road; which meeting shall be at Peytonville, and at said meeting said stockholders, or a majority of them being present, either in person or by proxy, shall proceed to elect seven directors, who shall be stockholders; said directors shall choose one of their body president, and may also elect a secretary and treasurer; and said president and directors shall continue in office for one year, and until their successors are elected and qualified, which shall be done at the end of each year from the time of the first election, of which twenty days' notice shall be given at some public place or places in the vicinity of the road.

SEC. 22. *Be it further enacted*, That the president, directors and stockholders of said company shall have and enjoy all the rights, powers and privileges, subject to the

same conditions, limitations and restrictions, and perform the same duties granted to and imposed upon the president, directors and stockholders of the Franklin and Lewisburg Turnpike Company, by the original charter and amendments thereto, of that company, except so far as the provisions of this act and the laws of the State may come in conflict with the same.

SEC. 23. *Be it further enacted,* That immediately after the first election of directors, they, or a majority of them, or such person or persons as they may appoint, shall proceed to designate and mark out the route for the company's turnpike road, commencing at the corporation of the town of Franklin, in Williamson county, or at the most suitable point on the contemplated Franklin and Triune turnpike road, (provided it be built), thence the best route so as to cross the Big Harpeth river, at the bridge near Chrismans's Mills; thence the best and most practicable route to Peytons ville, in Williamson county; thence in the direction of Eagleville, or the line between Williamson and Marshall counties, or the line between the counties of Williamson and Maury.

SEC. 24. *Be it further enacted,* That so soon as five miles of said road shall be completed from the commencement, then said company shall have the privilege of erecting one toll gate, which shall not be nearer than one and a half miles from the beginning, and so on, one gate for every five miles that may be built, and said company shall be entitled to the same rates of toll as the Franklin and Lewisburg Turnpike Company.

SEC. 25. *Be it further enacted,* That said road shall be of the description required of the Franklin and Lewisburg Turnpike Company's road by its charter and amendments thereto.

SEC. 26. That this act shall take effect from and after its passage.

W. C. WHITTHORNE.

Speaker of the House of Representatives.

TAZ. W. NEWMAN.

Speaker of the Senate.

Passed, March 24, 1860.

CHAPTER 198.

AN ACT to incorporate the Tennessee Coal and Railroad Company ; and for the benefit of the Edgefield and Kentucky, and the Nashville and Henderson Railroad Companies.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Return J. Meigs, Andrew Ewing, Wm. T. Berry, Edwin H. Ewing, David T. Love, John Reid, and their associates and successors and assigns, be, and are hereby constituted a body politic and corporate, by the name of the "Tennessee Coal and Railroad Company," for the purposes of exploring for copper, lead, iron, coal and other ores, metals and minerals, and for mining, working, smelting and vending the same, and for such purposes may purchase, construct or erect all necessary buildings and other apparatus and fixtures for carrying on their operations, a railroad or roads, with one or more tracks, to be run with steam, animal or other power, from any point or points on the Nashville and Chattanooga Railroad to any mineral lands on the Cumberland Mountains, and to such other places as the stockholders of said company may deem best and expedient for the interest of said company ; may have a common seal, and the same alter or renew at pleasure ; enjoy all the privileges incident to corporations, purchase, have and hold in fee simple, or for a term of years any real or personal estate, and may mortgage, transfer and convey the same ; and by that name may sue and be sued ; plead and be impleaded ; appear, prosecute and defend in any court of law or equity, in all suits and actions.

SEC. 2. That if the owner or owners of any lands or of any materials necessary for the construction or repairs of said roads, will not agree with the board of directors of said company or their agent, for the sale or use of the same, application may be made by said board of directors or their agent, to any justice of the peace in the county where said property is situated, who shall thereupon issue his writ to the sheriff of said county for the summoning of a jury of five freeholders, not related to any of the parties, or in any way interested, who, after being sworn by the sheriff, shall make a just estimate of the value of the property required by said company, and the amount so fixed shall be paid by said company to the owners of said property in full settlement of all values and damages.

SEC. 3. Said company, when necessary, shall have the right to conduct the said railroad or roads across or long any public road or water course.

SEC. 4. The first meeting of said corporation may be

called by the persons named in this act, or by a majority of them, at such time and place as they may select, and at such meeting a board of directors shall be chosen from among the subscribers to the stock, by the votes of a majority of the subscribers present at such meeting; and such board of directors shall take charge of the operations of the company; subject to such rules and regulations as may be adopted by the stockholders; the said directors shall hold office for one year, or until their successors are appointed, and may adopt such by laws and regulations for the government of the concerns of the company as they may deem expedient, not inconsistent with the rules made by the stockholders, as aforesaid, nor with the Constitution and laws of the United States and of this State.

SEC. 5. That the directors shall cause a book to be kept, containing the names of all persons who are stockholders of said company, showing their places of residence, and the number of shares of stock held by each respectively, and the time when they became respectively the owners of said shares, which book shall, during the usual business of each secular day, be open at the place of business, or domicile of said company, for the inspection of the stockholders and creditors of the company, and their representatives.

SEC. 6. That the said corporation may divide their capital stock into such number of shares, and provide for the sale and transfer thereof, in such manner and form as they may deem expedient, levy and collect assessments, forfeit and sell delinquent shares, declare and pay dividends in such manner as their by-laws may direct.

SEC. 7. That the said corporation shall not contract debts until the sum of twenty thousand dollars of the capital stock is paid in, no part of which shall be withdrawn or in any manner diverted from the business of the company, and shall not contract debts at any time, to any amount exceeding the capital stock of said Company.

SEC. 8. *Be it further enacted* That the Edgefield and Kentucky Railroad Company, and the Nashville and Henderson Railroad Company, as separate or consolidated companies, may exercise the powers and privileges granted them by the eleventh section of the act passed March 20th 1858 entitled, "an act to amend the charter, and several acts amendatory thereof, passed by the Legislatures of Tennessee and Kentucky, incorporating a company to construct a railroad from the City of Louisville to the City of Nashville," and may appropriate the pro-

ceeds of the bonds thereby authorized to be issued, to any of the lawful expenditures of said companies; the prior lien of the State of Tennessee upon said railroad not to be affected by anything herein contained: *Provided*, That nothing in this act shall be construed as granting State aid.

Sec. 9. That this act shall take effect immediately.

W. C. WHITTHORNE,

Speaker of the House of Representatives

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 24, 1860.

CHAPTER 199.

AN ACT to incorporate the Buena Vista Suspension Bridge Company, below the city of Nashville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Thomas Harding, David T. McGavock, John D. James, J. E. Manlove, Samuel Watson, Robert Gardner, Felix Cheatham, and Wilmoughby Dozier, or any five of them, be authorized to open books and receive subscriptions of stock to the amount of one hundred thousand dollars, if necessary to have so much, for the erection and maintenance of a Suspension Bridge across the Cumberland river, below the city of Nashville, at a point suitable, and high enough, between Buena Vista Ferry and Hyde's Ferry, to the opposite side of said river, with all necessary approaches to said bridge.

SEC. 2. That upon the subscription of said sum, the subscribers shall become a body politic and incorporate, under the name of "The Buena Vista Suspension Bridge Company;" and shall have and be invested with all the rights, powers and privileges, and shall be subject to all the restrictions, liabilities and provisions granted to and imposed upon the Broad Street Bridge Company by its act of incorporation, passed 20th December, 1845.

SEC. 3. The affairs of said company shall be managed by seven directors, to be annually elected, after due notice of the time and place of said election, in one of the city prints, twenty days previous thereto; who shall elect one of their number president, and continue in office until their successors are elected.

SEC. 4. That said President and directors shall locate and build said bridge of such height above the water that, in no stage of the river, and at no time, shall any steamboat or other vessel be in the least obstructed, hindered or delayed in the navigation of said river; and if the said bridge be not so built, it may and shall be abated as a nuisance upon bills filed in the Chancery Court, or on indictment or presentment of any citizen; and said company shall be liable in damages for treble all the damages done any one.

SEC. 5. That this charter is granted and shall continue in existence for fifty years.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 24, 1860.

CHAPTER 200.

AN ACT for the relief of the Rogersville Branch of the State Bank.

WHEREAS, It is represented to this General Assembly that under an act passed 12th of January, 1852, chapter 61, the Rogersville Branch Bank paid out and advanced for the State of Tennessee, the sum of forty-five hundred dollars (\$4500); and that said sum remains and is yet unrefunded, and is a charge on the treasury; and for remedy thereof,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Rogersville Branch Bank may file with the Comptroller a written Statement of the moneys so alleged to have been paid by it to and for the State, under the act of the 12th of January, 1852, chapter 61, showing the amount, the date of payment, and to whom paid, which statement shall be under the oath of the President or Cashier of said Branch Bank; and on its being proved to the satisfaction of the Comptroller that said Branch Bank did pay out and advance, under said act of January 12th, 1852, chapter 61, said sum of forty-five hundred dollars (\$4500), and that the same was paid in accordance with the provisions of said act, he shall issue a warrant and direct payment of the

same out of the treasury of the State, and the same shall be so paid accordingly.

SEC. 2. To carry into effect this act, the Comptroller is authorized to examine any witness or witnesses under oath, and take their testimony in writing under their hands, and file the same in his office.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 24, 1860.

CHAPTER 201.

AN ACT for the relief of the Bank of Nashville, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That two hundred and fifty dollars be refunded to Nicholas Hobson, being the amount paid by him twice, as bonus for the Bank of Nashville for the years 1857 and 1858; and that the same be paid out of any moneys in the treasury not otherwise appropriated, and that the Comptroller issue his warrant on the treasury for the same.

SEC. 2. *Be it enacted,* That the Planters' Bank may establish a Branch Bank at Smithville, in the county of DeKalb.

SEC. 3. *Be it further enacted,* That the Union or Planter's Bank may have power to have a Branch of their Bank at Fayetteville, Lincoln county, Tennessee, with such capital as they may think they can use to advantage.

SEC. 4. *Be it further enacted,* That the Bank of Clarksville may establish at such place as the directors may select, one Branch, with like powers and restrictions as are contained in bill rechartering the Planters' and Union Banks.

SEC. 5. *Be it enacted,* That a reasonable fee be allowed to George W. Bridges, Attorney General, for services rendered in case of State vs. Planters' Bank, at Athens, to be paid out of any moneys in the treasury not otherwise appropriated; said fee to be fixed by some

lawyer not interested in the case, and submitted to the Governor for his approval.

SEC. 6. That this act take effect from and after its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives
TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, March 24, 1860.

CHAPTER 202.

AN ACT to amend the charter of the East Tennessee and Georgia Railroad Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the charter of the East Tennessee and Georgia Railroad Company be so amended as to reduce the number of directors to ten; five on the part of the stockholders, and five on the part of the State.

SEC. 2. *Be it further enacted*, That the charters of all the other Railroad Companies in this State, which have or may hereafter receive State aid, be so amended as to reduce the number of their directors to nine; seven on the part of the stockholders, and two on the part of the State: *Provided, however*, This amendment shall not take effect only as the same may be agreed to by a majority of the stockholders of the respective roads at annual meetings of the same.

SEC. 3. *Provided* this act shall not take effect until the next regular election for directors in said road.

W. C. WHITTHORNE,
Speaker of the House of Representatives.
TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, March 24, 1860.

CHAPTER 203.

AN ACT to allow the county of Macon to apply the Internal Improvement Fund to the building of a new Court-house.

WHEREAS, by accident, the court-house for the county of Macon, has recently been burned down ; *and, whereas,* there is now belonging to the said county certain moneys which constitute her proportional part of the Smith county internal improvement fund, and which was set apart to the said county of Macon, under a resolution of the General Assembly of this State, passed Nov. 27th, 1852, entitled " a resolution authorizing the County Court of Smith to draw her internal improvement, fund, &c. ; therefore—

Be it enacted by the General Assembly of the State of Tennessee, That the fund aforesaid belonging to the said county of Macon may be applied to the building of another or a new court-house for the said county of Macon : *Provided,* That a majority of the County Court for said county, two-thirds being present, may so order ; and it shall be the duty of any person in whose hands the said fund may be, to deliver the same in accordance with the order of said Court.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 24, 1860.

CHAPTER 204.

AN ACT to protect the Hermitage and tomb of Gen. Jackson.

WHEREAS, it is understood the grounds and fixtures of the Hermitage, and that the tomb of Gen. Jackson are in a dilapidated condition, and that suitable repairs and improvements are absolutely necessary ; therefore—

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Governor and Secretary of State are hereby requested and authorized to make, or cause to be made, such repairs and improvements as in their judgment are necessary and proper, and that they

employ, if necessary, such a laboring force as will keep the houses, yards, gardens, tomb and surrounding grounds in a neat and perfect state of repair, and for the payment of any expenses which may be incurred for such improvements as may be ordered by the Governor and Secretary, the Comptroller is hereby directed to issue his warrant on the treasury, upon the order of the Governor for the same.

SEC. 2. *Be it further enacted*, That this act take effect from its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, March 24, 1860.

CHAPTER 205.

AN ACT to have the Record Books in the Land office at Nashville properly and correctly indexed.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the register of the land office at Nashville make an index to the grant books in said office, containing all the grants issued from said office since 1824 ; said index to give the number of entry, locator's name, number of grant, name of grantee, number of acres granted, date of grant, and county in which said land lies ; *and further*, to select and file in proper order by numbers, all the plats and certificates of survey on which said grants issued, separately for each county, so as to correspond with said index, and label the same properly.

SEC. 2. *Be it further enacted*, That said register, for his services, shall receive as compensation, five cents for every entry and grant so indexed; payable out of any money in the treasury of said State, upon a warrant of the Comptroller, and that said Comptroller is hereby authorized to issue his warrant for said compensation to said register, in part or in whole, on said register, presenting his index complete for so much of his compensation as called for by said index.

SEC. 3. *Be it enacted*, That hereafter it shall be the duty of the register of the land office to keep a

proper index as required by the above act, for which he shall receive no pay; if any register shall fail to keep an index as required by this section, he shall forfeit and pay a penalty of five hundred dollars, and be subject to indictment for a misdemeanor in office.

West and East
Tennessee Land
Offices.

SEC. 4. *Be it further enacted*, That the provisions of this act shall apply to the register for West and East Tennessee, who shall be required to perform the same duties and receive the same compensation by this act, extended to the register of the land office at Nashville; and it is hereby made the duty of the register for East Tennessee to collect together all the books and papers that legitimately belong to his office, and shall hold and keep them as a part of the records of the same; for which service he is hereby authorized to receive from the treasury of the State a sum not to exceed fifty dollars, which sum shall not be paid except upon the certificate of the Comptroller that the labor performed was equal to the sum above named.

SEC. 5. *Be it further enacted*, That the first section of the private act of 1858, chap. 48, passed on the 5th February, 1856, be so amended that the blank in the sixth line in the printed acts be filled with the number seven; and said act shall be so construed as though said number had been inserted at its passage.

SEC. 6. *Be it further enacted*, That this act shall take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 24, 1860.

CHAPTER 206.

AN ACT to incorporate the Independent Deluge Fire Company No. 1. of Clarksville, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Independent Deluge Fire Company of Clarksville is hereby incorporated in the said name, with succession for ninety-nine years, with the privilege of using a common seal, which may be altered or changed at the pleasure of the company; with power to acquire by purchase, by gift, by devise, or other-

wise, real and personal property to the value of twenty thousand dollars, which property shall be exempt from the State, county and corporation taxes so long as said company may own it; with power to contract, buy and sell, to sue and be sued in said corporate name of "The Independent Deluge Fire Company No. 1." in any court of law or equity, with power to found, institute or establish a library; to ordain and make such constitution and by-laws as they desire, consistent with the laws of the land; and said company is authorized to impose fines and penalties for non-attendance, delinquency, insubordination, or failure to discharge specified duties, on any of the members, not exceeding twenty dollars per annum; which may be recovered before any competent jurisdiction in any action of debt.

SEC. 2. That said company shall consist of not more than two hundred active or working members, who shall be exempt during their membership from serving on juries, and from all military duties.

SEC. 3. That this act shall take effect from its passage.

SEC. 4. That the "Memphis Overton Hotel Company," by its proper officers, is hereby authorized and empowered to issue mortgage bonds with coupons attached, for interest, at a rate not exceeding ten per cent. per annum, payable at such times and places as the board of directors may direct, for an amount not exceeding one hundred thousand dollars, and having not more than ten years to run from their date, for the purpose of raising means to complete the hotel now in course of erection by said company: *Provided*, Such bonds when issued shall be a mortgage lien upon all the real estate, buildings, &c., belonging to said company.

SEC. 5. *Be it further enacted*, That M. B. McMahan, Thomas J. Powell, John W. Lea, their associates and successors, be, and they are hereby incorporated a body politic and corporate, under the name and style of the "Knoxville Leather Company," and in that name may own and hold so much real and personal property as may be necessary for the use of the corporation.

Knoxville
Leather Co.

SEC. 6. *Be it further enacted*, That said company may have a capital stock not to exceed two hundred and fifty thousand dollars, may have such number of directors, officers, clerks agents, &c., as they may desire, and elect them for such term as they may choose.

SEC. 7. *Be it further enacted* That said company shall have all necessary and proper powers incident to the manufacture of leather and leather goods, and none other.

SEC. 8. *Be it further enacted*, That Austin Miller, John

Phoenix In-
surance Co.

A. Janett, Levy Joy, Geo. Wood, and Thomas R. Smith, be authorized and empowered to organize and establish at Bolivar, an Insurance Company under the name and style of the "Phoenix Insurance Company," under the same rules, and regulations and restrictions, and with all the powers and privileges contained in an act of the General Assembly, of Tennessee, passed March 2d, 1854, entitled, "An act to amend the charter of the Tennessee Marine and Fire Insurance Company passed 25th November, 1853, and for other purposes."

Mayor of Mem-
phis. |

SEC. 9. *Be it further enacted*, That the Mayor of Memphis, be, and he is hereby empowered to make *pro tem* appointments, to supply the place of any of the city officers in cases of sickness or absence.

Mechanics Fire
Company of
Memphis.

SEC. 10. *Be it further enacted*, That the charter of the Mechanics Fire Company of Memphis, No. 4, be so amended that the members, after five years active service, shall be exempted from serving as jurors.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, March 24, 1860.

CHAPTER 207.

AN ACT to incorporate the Columbia Presbyterian Female Academy.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Wm. E. Kennedy, Samuel H. Stephenson, James M. Frierson, David McCrow, James Bingham, Absolom Thompson, Green H. Kerr, Whitfield Brown, Franklin Henderson, and Achilles A. Dickerson, be, and they, or any seven of them, are hereby constituted a body politic and corporate by the name and style of the Columbia Presbyterian Female Academy, and by that name may sue and be sued, and have succession for ninety years; shall have power to buy, receive, hold, possess, enjoy and dispose of, any property for the use of said institution, and it may have a capital of one hundred thousand dollars, and which shall be divided into shares of fifty dollars, and the same may go into operation whenever twenty-five thousand dollars are taken, or when said corporation shall have acquired assets to that amount, either by contract or will, and said

stitution is incorporated solely for the purpose of encouraging, promoting and advancing the cause of female education.

SEC. 2. *Be it enacted*, That said institution shall be under the control, management, and supervision of a board of trustees, which shall be constituted as follows, to wit : by the nomination of two from each of the several churches in connection with "Maury Presbytery," and which said presbytery is connected with the General Assembly of the Presbyterian Church," which held its session at Indianapolis, in the State of Indiana, in May, 1859, and is generally known as the Old School Presbyterian General Assembly, except the church at Columbia, which shall nominate four to said presbytery ; said nominations are to be made by the sessions of said church respectively, and confirmed by said presbytery, and in case the said sessions or any of them, shall fail or neglect to make nominations, then it shall be the duty of said presbytery to appoint the proper number of trustees from each of said churches that shall fail to make such nominations.

SEC. 3. *Be it enacted*, That it shall be the duty of said trustees to elect a president out of their number, and also secretary, treasurer, and such other officers as they may deem necessary ; said trustees shall have power to establish scholarships upon such terms as they may think proper ; to enable said trustees to raise the capital above mentioned, that they may establish and endow professorships, or take and hold property, real or personal, given, conveyed or willed, to endow professorships in such manner and to the same extent as that given to the corporate body hereby incorporated : *Provided, always*, That the same is not inconsistent with the rights of others under his charter ; said trustees may be called together by the president or secretary on one weeks' notice, through any paper printed in the town of Columbia ; the annual meetings of the board shall be held at such time and place in said town as the said trustees may direct and appoint ; at all meetings of the board, stated or called, seven members shall constitute a quorum for elections to fill vacancies in their body, and for the transaction of all business that may come before them pertaining to said institution.

SEC. 4. *Be it enacted*, That the said institution aforesaid shall possess the power of conferring literary degrees in as full and ample a manner as any other institution of like character in this State, and to the diplomas conferred by said trustees upon the graduates of the same,

shall attach all honors incident to the said diploma, and said institution may establish such rules and regulations as to special diplomas as they think would advance the cause of female education.

SEC. 5. *Be it enacted*, That the grounds and other property appropriated to the use of said institution, be, and the same is hereby exempted from State, county and corporation taxes while the same are employed for educational purposes.

SEC. 6. *Be it enacted*, That the trustees hereby incorporated, shall have power to fill vacancies created by resignation or otherwise, but to be confirmed by the presbytery as aforesaid.

SEC. 7. *Be it enacted*, That no misnomer or misdescription of said corporation or professorships in any deed, will or gift, grant, devise or instrument of contract or conveyance shall vitiate the same: *Provided*, It is a sufficient description to ascertain the intent of the parties.

SEC. 8. *Be it enacted*, That should it ever occur in the history of said institution, that from any cause whatever, it should cease to be a female school, under the control and management of the Old School Presbyterian Church, as aforesaid, then the property and effects of the same, of whatever nature, kind or description, whether real, personal or mixed, shall be sold, and the corporation dissolved, and the proceeds divided among the stockholders in the ratio of the amount subscribed by them respectively.

SEC. 9. *Be it enacted*, That said institution may employ agents to canvass for said institution to procure stock for the same, either before or after the said trustees have established the plan upon which said institution is to be conducted.

SEC. 10. *Be it enacted*, That said trustees shall, as soon as sufficient amount of stock is taken, adopt some permanent plan upon which said institution shall be conducted, subject to be changed as often as the interest of said institution may require.

W. C. WHITTHORNE,

Speaker of the House of Representatives

TAZ. W. NEWMAN

Speaker of the Senate

Passed, March 24, 1860.

CHAPTER 208.

AN ACT to incorporate the Monto Sano Springs Company.

Be it enacted by the General Assembly of the State of Tennessee, That Charles Rickles, Basil Summers and George Greggare are hereby created a body corporate and politic, under the name and style of the Monto Sano Springs Company, in Grundy county, Tennessee, and by that name may sue and be sued, hold real and personal property, and may have succession for ninety-nine years; that said company hereby created shall be subject to and entitled to all limitations and restrictions, and all the privileges granted in the charter granted at the present session, to the "Montvale Springs Company;" and that this act shall take effect from its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.
TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, March 24, 1860.

CHAPTER 209.

AN ACT to charter the Clarktown Chalybeate Springs in White county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the town of Clark, or Clarktown in the county of White, be, and the same is hereby constituted a body politic and corporate by the name of "Clarktown," and by that name may sue and be sued, and enjoy all the rights benefits and immunities of other similar corporations in this State; that the limits of said corporation shall be one half mile east, west, north and south from the Chalybeate Spring near the residence of Mr. Clark, in said town.

SEC. 2 *Be it enacted,* That this act take effect from and after its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.
TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, March 24, 1860.

CHAPTER 210.

AN ACT to change the lines of the counties of Marshall and Maury, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county lines of Marshall and Maury be so changed as to include in the county of Marshall the residence and out-houses of Nathan Landen.

SEC. 2. *Be it further enacted*, That the land of Levi Fouch, and the land of Jane Turny lying in Wilson county be attached to DeKalb county.

SEC. 3. *Be it further enacted*, That the lines between the counties of Maury and Lewis be so changed as to embrace all the lands of A. S. Strong, Wm. Scott, and A. J. Pugh in the county of Maury.

W. C. WHITTHORNE,
Speaker of the House of Representatives
TAZ. W. NEWMAN,
Speaker of the Senate

Passed March 24, 1860.

CHAPTER 211.

AN ACT to change certain county lines.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county line between the counties of Rhea and Cumberland be so changed as to embrace all the lands belonging to the estate of Thomas J. Gillespie, deceased, in Rhea county.

SEC. 2. *Be it further enacted*, That the eighth section of the act passed the third day of March 1854, chapter 181, changing the county line between the counties of DeKalb and White, so as to include the lands and possessions of Charles Dewny, in the county of White, be, and the same is hereby repealed.

SEC. 3. *Be it further enacted*, That the line between the counties of Rutherford and Wilson, where it passes through the lands of Claiborne H. Rhodes, be so changed as to begin where the county line strikes the west boundary line of said Rhodes, thirteen poles north with said Rhodes' west boundary line; thence a north-easterly direction upon a parallel with the present county line to said Rhodes' south boundary line; thence west ten poles

Rutherford and
Wilson.

o said county line so as to include said C. H. Rhod-s' residence in Rutherford county.

SEC. 4. *Be it further enacted*, That a civil district be, and the same is hereby established in the county of Robertson, to be known and designated as the 15th civil district of said county, the boundaries of which are as follows : to begin at Gaines Winfield's blacksmith shop, on the pike running due west to the east line of the 10th district, thence with that line, and further, making four miles ; thence east to a point on the pike ; thence south to the beginning, making the district four miles by seven, the precinct or voting place of said district to be at Cross Plains ; and William Villiner, Geo. Fisher. and James M. Eatherly are hereby appointed commissioners to run and establish the boundary lines of said district ; said district shall have authority to elect such officers as other civil districts of said county now have.

15th Civil District Robertson county.

SEC. 5. *Be it further enacted*, That the county line between White and Cumberland counties be so changed as to include the land of Thomas C. Welch, in Cumberland county.

White and Cumberland counties.

SEC. 6. *Be it further enacted*, That the line between Van Buren and Bledsøe be so changed as to include James Seats, jr., and his lands in Van Buren county.

Van Buren and Bledsøe.

SEC. 7. *Be it further enacted*, That the lands of Larkin W. Cross be included in the county of Campbell.

SEC. 8. *Be it further enacted*, That the line between Cannon and Coffee be changed as follows : beginning on an elm tree near the house of A. J. Brown, and running west including the land of John Brown, in Coffee county, and those of John M. Banks, Stith Hays, and Samuel Spangle, in Cannon county ; and thence to the land of S. H. Ford, including him in Coffee county, to the lands of John Bogett, John Swanner, and Silas Alexander including them in Cannon county ; thence to Brown's old grocery along the Garrison road to the Rutherford line.

Cannon and Coffee county lines.

SEC. 9. *Be it further enacted*, That this act take effect from and after its passage.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Passed, March 24, 1860.

CHAPTER 212.

AN ACT to incorporate the Memphis, Holly Springs and Mobile Railroad Company.

WHEREAS, The State of Mississippi, by an act of the Legislature of said State, approved the 23d day of November, 1859, did enact as follows, to wit:

An act to incorporate the Memphis, Holly Springs and Mobile Railroad Company.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That James Elder, J. M. Gates, J. D. Martin, P. T. Scruggs, B. D. Nabors, A. Stint, R. D. Baugh, D. B. Molloy and B. Graham, of the city of Memphis, State of Tennessee; Thomas Wood, A. B. Cowan, James Flinn, J. C. Foster, Thomas Gilban, H. Tyson, A. Arnold, Q. B. Owing, C. C. White, D. Nesbit, C. Hicks, T. B. Webber, R. Raiford, A. F. Scruggs and A. Q. Withers, George H. Ously, John B. Fant, S. Bolling, J. W. C. Watson, John Bard and J. W. Clapp, A. J. Jones, John B. Henning, Hugh R. Willer, R. A. Purson, R. W. Edmunson and Andrew Duncan, of the State of Mississippi, together with those who may hereafter become stockholders in the manner hereinafter provided, their successors and assigns, and the assigns of such assigns be, and they are hereby created a body corporate, by the name and style of the "Memphis, Holly Springs and Mobile Railroad Company," and as such shall have perpetual succession; and by that style and name may sue and be sued, and may purchase, receive, hold and enjoy real and personal estate, and the same retain to them, their successors and assigns, so far as it shall be necessary for their accommodation and convenience in the transaction of their business, and such as may in good faith be conveyed to them by way of security or in satisfaction of debt, or by donation; and the same to sell, grant, rent, or otherwise dispose of; and to have and use a common seal, and to alter, break or renew the same at pleasure: *Provided*, Said company shall not be allowed to hold in their own name, or in any other manner for their use and benefit, more land than is necessary for the convenient use of their railroad hereinafter provided for, including the right of way and grounds proper and necessary for the depot, fixtures and buildings pertaining to said road, for a longer period than five years after the the completion of said road, on pain of forfeiting to the original owner of said land all right and title thereto.

SEC. 2. *Be it further enacted,* That said company is hereby authorized and empowered to construct a railroad, with double or single track, from any point on the northern or western boundary of this State, that may be deemed most eligible by said company, and to locate and construct the same through the counties of Desoto, Marshall, Pontotoc, Tippah, or elsewhere through the State as may be necessary to cross or connect with the Mississippi Central, the Mobile and Ohio, or any other railroad within the limits of this State; and to receive, transport and carry persons and property upon the said railroad, as hereinafter to be provided; and for the purpose of constructing said railroad, the said company is hereby authorized to lay out their road, not exceeding one hundred feet wide, or fifty feet on each side from the centre of the track, the gauge or width on which said track shall be five feet; and the said company shall receive and transport the cars of any other road with which it may intersect upon the same terms and in the same manner as is now required by the 18th section of an act of the Legislature of this State, entitled, "An act to incorporate the Mississippi Railroad Company," approved 10th of March, 1852: *Provided,* That when the road of said company shall pass through any farm or cultivated land, they shall construct such stock pits as may be necessary to prevent the egress and ingress of stock, and shall provide the owner of such land with necessary private crossings from one portion of his farm to the other across the line of said road, when notified by such owner of the place where such crossings are needed.

Location of road.

Construction of same.

SEC. 3. *Be it further enacted,* That the capital stock of said company shall not exceed three millions of dollars, to be divided into shares of fifty dollars each, which shall be deemed personal property, transferable by assignment in such manner as the by-laws of said company shall direct.

Shares.

SEC. 4. *Be it further enacted,* That the persons named in the first section of this act, or a majority of those who may consent to act as such, shall be commissioners, who may authorize such persons as they may select to open books for subscription to the capital stock of said company, at such times and places as they may deem proper, and with or without a cash payment at the time of subscription, as may be deemed expedient; and as soon as the sum of three hundred thousand dollars of said stock shall be taken in bona fide subscriptions, the said commissioners, or any three or more of them, are hereby authorized to call the first meeting

Stock.

of the stockholders of said company, in such a way and at such a time and place as they may appoint, for the choice of directors of said company; and in all meetings of such stockholders, each share shall entitle the holder to one vote; which vote may be given by said stockholders in person or by proxy, subject to such provisions as may be made by the by-laws of said company.

Directors.

Sec. 5. *Be it further enacted*, That the immediate government and direction of the affairs of said company shall be vested in thirteen directors, elected as provided for in the preceding section, to be called the Board of Directors, who shall hold their office for the period of one year, and in all cases until their successors are duly elected and qualified; and a new election of directors shall be held annually, at such time and place as the stockholders at their preceding meeting shall appoint. And if no election shall be made at the time and place so appointed, or if no such time and place be appointed by the stockholders, each election shall be held at any other time and place appointed or provided for by the by-laws of the company. Seven of said directors shall constitute a quorum for the transaction of business. And as soon as may be convenient after the first and every subsequent election, said directors, or a quorum as aforesaid, shall hold a meeting and shall elect one of their number president of the board, who shall also be president of the company. They shall also choose a secretary and treasurer, and such other officers as they may deem necessary; and the treasurer shall give bond with security to said company, in such sum as the board of directors may require, for the faithful discharge of his trust; and if a vacancy shall occur in said board by death, resignation or otherwise, such vacancy may be filled by the board. The board shall have power to appoint any three or more of their own members an Executive Committee, to perform such duties as may be assigned them by the by-laws of the company; and the acts of said committee, when performed in the pursuance of the authority conferred upon them, and approved by the board, shall be as binding and valid as though done and performed by the board. The said board may also elect one of their number a vice-president, whose power and duty it shall be to perform the duties of the president during his absence, from any cause. And in the event of the absence of both the president and vice-president, if a quorum of directors is present at any of their meetings, they shall elect one of their number president

Other officers.

pro tempore. Special meetings of either the stockholders or the board, may be called under such provisions as may be made therefor by the by laws of the company.

SEC. 6. *Be it further enacted,* That the board of directors of said company, be, and they are hereby invested with all the rights, powers and privileges necessary for the construction, equipment, repair, and maintenance of a railroad, as provided in the second section of this act, with all such appurtenances and appendages as may be necessary or expedient, including all the buildings for the reception and accommodation of passengers, and all warehouses, water stations, machine shops, car houses and other necessary buildings, of whatever description, they shall have power to make contract with any person or persons in behalf of the company for making or repairing the said railroad and appurtenances, or any part thereof, and performing all the work respecting the same which they may deem necessary or proper; to require of the stockholders from time to time payment of their stock subscriptions, until the whole shall be paid, and to adopt such rules and by laws for the government of said company as they may think necessary and proper, not inconsistent with the laws and constitution of this State or of the United States.

SEC. 7. *Be it further enacted,* That upon being duly authorized thereto by a resolution or by-laws adopted and enacted by a majority of votes at a regular meeting or convention of stockholders, the said board of directors shall have power to borrow money on the credit of the corporation, not exceeding in amount its authorized capital stock, at the rate of interest allowed by the laws of this State; and may execute and issue bonds or promissory notes therefor, to secure the payment of which they may pledge or mortgage all, or any part of the property of any kind, and income of said company: *Provided,* That no such mortgage or pledge shall constitute a lien upon or in any way affect any interest which this State may own or possess in said railroad at any time; and upon being first authorized thereto, as aforesaid, the said board of directors shall have power to issue, sell, negotiate, mortgage, pledge, or _____, the bonds or notes of the company, as well as any notes, bonds, scrips, certificates, or other property, for the payment of money or other property, which said company shall or may receive as donations, or in payment of subscriptions to the capital stock of said company, or other dues thereto, at such times and places, either within or without the limits

of this State, and at such rates of premium or discount as in the opinion of the directors will best promote the interests of the company ; and such sales shall be deemed and held valid and binding as though said bonds or notes had been sold or otherwise disposed of at their par value.

SEC. 8. *Be it further enacted*, That the board of directors may require each subscriber, at the time of subscribing, or at any time thereafter to pay a part of his subscription to the capital stock of said company, not exceeding ten per cent of such subscription in cash, but no further payment of stock shall be demanded until, in the opinion of the board, a sufficient amount of capital stock has been subscribed with the means and credit of the company to construct said road, and a resolution expressing that opinion shall be entered upon the minutes of the board ; nor shall any other payment than the one above mentioned be required by the board ; thirty days notice to be given by the president, in one or more newspapers, published in the city of Holly Springs, or elsewhere as may be provided for in the by-laws, and the amount called for at any one time shall not exceed thirty per cent to each subscriber of the amount of his or her subscription ; and if any subscriber or stockholder shall neglect or refuse to pay such calls as may be ordered, as above provided, the board may, upon twenty day's notice of the time and place of sale, given in such public manner as the by-laws shall direct, proceed to sell or have sold at public auction so many shares of such delinquent stockholders as shall be necessary to pay such instalments, so ordered to be paid, and the expenses of advertising and selling ; and if the proceeds of sale shall be more than sufficient for the purpose, the residue shall be paid over to said delinquent stockholder ; but if the proceeds of each sale shall be insufficient for the purpose specified, the said delinquent stockholder shall be liable to the action of said company for the balance due before any Court having jurisdiction of the amount ; and the stock sold as aforesaid, shall *ipso facto* be transferred to the purchaser at such sale.

SEC. 9. *Be it further enacted*, That said company be, and are hereby authorized to cause such examinations and surveys to be made for the route of their said railroad as they may deem necessary ; and it shall be lawful for said company by its members, officers, agents or employees, to enter upon and take possession of all such lands, timber, stones, gravel, earth, or other material, as may be necessary for the construction and repairs of said rail-

road, and its appurtenances and appendages, and the directors of said company may agree with the owner of said lands, timber or other materials designated, or any article whatever, which may be wanted in the construction and repair of said road and appurtenances; and in case the road of said company shall be located upon any land in the State, belonging to the estate of any deceased person, or to any minor, or person "*non compos mentis*," ^{Right of way.} or if such lands be held in trust, or by mortgage, it shall and may be lawful for the executor or administrator of such deceased person, or guardian of such minor or person "*non compos mentis*," trustee or mortgagee, as the case may be, to contract with said company for the right of way through such lands, necessary for the purpose of said road, and the deed therefor of such executor, administrator, guardian, trustee or mortgagee, executed to said company, shall be as valid and effectual as if the same were executed by a person capable in law of acting in his own right: *Provided*, Such contract be *bona fide* and without fraud or collusion between said company, and the person acting in any of the fiduciary characters above designated with the intent to defraud the real owners of such land: *and, provided further*, That in all such cases, the actual value of the land thus conveyed as fixed by the agreement of the parties or ascertained in such manner as may be mutually agreed upon, shall first be paid by said company to such executor, guardian, administrator, trustee or mortgagee.

SEC. 10. *Be it further enacted*, That if said company and the owner or other persons named in the preceding section, cannot agree as to the price of the land required for said road, or any material for the same, if the owners are under the disability to contract, and no one is authorized to contract for them, or are out of the county where said lands or materials are, application may be made to any justice of the peace of such county who shall thereupon use his warrant under hand and seal to the sheriff of such county, requiring him to summon a jury of twelve disinterested freeholders of the county to appear at or near the land, or materials, or property to be valued, at a day named in the warrant, not less than five or more than ten days after issuing the same, and if any one of the persons summoned do not appear, the sheriff shall immediately summon as many freeholders as may be necessary to make up a jury of twelve, who shall, under oath or affirmation, justly and fairly value the land, materials, property, required by said company for the construction or repair of said road, and

ascertain and determine what shall be a just compensation therefor; and the verdict or inquisition of the jury shall be reduced to writing and signed and sealed by them; and such compensation when paid or tendered to the person or persons authorized by law, as herein or allowed here provided for, shall receive the same, shall entitle the company to said materials or property, or to the use of said land for the use of their railroad as long as the same shall be so required, as fully as though the same had been conveyed by agreement of the parties, as provided for in this act, if there be no person within the limits of the State known to the board of directors of said company. to whom such compensation may be lawfully paid or tendered, then the said board shall cause a notice to be published in some newspaper in the State, to be by them selected, to all persons interested in said lands or other property, to appear at the probate clerk's office in the county where said land or other property is, by a day named in said notice, not less than twenty days from the date of the first publication of the same and receive such compensation as has been awarded by the jury aforesaid, which said publication shall be continued till the day named therein has passed, and shall be held and deemed a valid and legal tender as though such compensation had been actually tendered to the person legally authorized to receive the same.

SEC. 11. *Be it further enacted*, That the inquest or verdict of the jury, after payment is made or tendered, hereinbefore provided, shall be admitted to remain in the office of Probate Clerk, of the county wherein the land or other property therein mentioned, shall be, and shall be a bar to all actions, for taking or using the same, and the sheriff and jurors engaged in said proceedings shall be entitled to receive from said company such fees as are allowed for like services in other cases: *Provided*, That either party may, within ten days from the rendition of the verdict or decision of said jury, appeal from the same to the Circuit Court of the county where such verdict is rendered, and the cause shall be tried *de novo* upon its merits, and such proceedings shall be had therein, as upon appeals from a justice of the peace: *Provided, further*, That said appeal, after the tender as before provided, of the compensation assessed by the jury, shall in no wise hinder or delay said company from using the land or other property thus valued, nor shall any order be made, nor any injunction granted by any judge or court to prevent the use thereof or to delay said work.

SEC. 12. *Be it further enacted,* That whenever, for the proper and safe construction of the road, or road-bed of said company, or in order to provide for a convenient place of deposit for surplus excavations of earth, it shall be found expedient for said company to enter upon and take for the use of said road, land lying outside of the road-way of one hundred feet in width, as provided for in the second section of this act, it shall and may be lawful for said company to obtain so much additional land as may be required for the purposes aforesaid, in the same manner as is hereinafter provided, with reference to acquiring the right of way.

SEC. 13. *Be it further enacted,* That the right of way is hereby granted to said company across any rivers or water courses in this State, which it may be necessary to cross in the construction of their said road, and they are hereby authorized to construct bridges across the same for the use of their road: *Provided,* That nothing herein contained shall authorize said company to prevent the navigation of any such rivers or water-courses.

SEC. 14. *Be it further enacted,* That the board of directors of said company may make such provision in their by-laws as they may deem proper, for allowing subscribers to the capital stock of the company to pay a part of their subscriptions or the whole amount thereof in labor on said road.

SEC. 15. *Be it further enacted,* That the 17th and 18th sections of an act passed by the Legislature of this State and approved March 10, 1852, entitled, an act to incorporate the Mississippi Central Railroad Company, regulating county subscriptions to the capital stock of said company, be, and the same are adopted as a part of this act, so far as the provisions of the same may be applicable. County subscrip-
tions.

SEC. 16. *Be it further enacted,* That the company hereby incorporated shall have full power and authority to enter into any agreement with the Mississippi Central, Mobile and Ohio, or any other railroad company for a connection or consolidation with such company, upon such terms as may be mutually agreed upon, and not inconsistent with the laws of this State: *Provided,* That before any such agreement is consummated, it shall be approved and authorized by a vote of the stockholders of said company, or a majority of such votes cast at a stockholder's meeting, to which such agreement is submitted.

Rates of transportation.

SEC. 17. *Be it further enacted,* That the board of directors of said company be, and are hereby authorized to adopt such a tariff for the transportation of persons and property over their said road as they may think proper, and to alter the same at pleasure; and at every regular annual meeting of the stockholders of said company, the board whose term of office expire at such meeting, shall exhibit a clear and distinct statement of the affairs of the company.

SEC. 18. *Be it further enacted,* That if any person shall wilfully, or negligently, by any means whatever, injure, impair or destroy any part of the railroad constructed under this act, or any of the works, buildings, engines, cars or machinery of said company, or lay any obstruction on or across said railroad, such persons shall, in addition to the penalty now imposed by law, be liable to an action by said company in any court of competent jurisdiction for damages in double the amount of damage actually sustained by said company.

Taxation.

SEC. 19. *Be it further enacted,* That the capital stock of, and all the property and effects of said company shall be exempt from taxation until said road is completed: *Provided,* Said road is commenced within two years, and completed within ten years from and after the passage of this act.

SEC. 20. *Be it further enacted,* That this act shall take effect and be enforced from and after its passage, and all acts, and parts of acts conflicting with the same, be, and are hereby repealed, so far as the company hereby incorporated is or may be effected thereby.

SEC. 21. *Be it further enacted,* That said road shall be commenced in three years, and completed in twelve years after the passage of this act. Approved November 23d, 1859, *And whereas,* The State of Tennessee is desirous to aid in accomplishing the object of the foregoing act: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the railroad described in the above recited act, be extended in the State of Tennessee from the Mississippi line, in such a direction and on such a route as shall be deemed most expedient, and that as to said extension, there is granted to the said Memphis Holly Springs, and Mobile Railroad Company, when organized, the same rights, powers and privileges, as are granted to it within the State of Mississippi by the same act, and subject to the same conditions, restrictions, and provisions, as are in said act contained and set forth; and the said act is hereby concurred in and adopted with-

in the State of Tennessee: *Provided,* That this act shall not be so construed as to grant the aid of the State for any part of the same; nor any provisions of the internal improvement act granting the aid of the State extended to said company, neither by way of indorsement or loan of bonds.

SEC. 2. *Be it further enacted,* That the said Memphis Holly Springs, and Mobile Railroad Company, shall have full power and authority to cross with the track of its said road, any railroad in this State which it may be necessary for it to cross.

SEC. 3. *Be it further enacted,* That any such persons as may associate themselves together for the purpose, are hereby declared to be a body politic and corporate, by the name of the Bluff Mill Company, with all the rights, privileges and immunities granted in this act, so far as the same may be necessary, to build and construct a mill at any point within one and a half miles of Readyville, Tennessee: *Provided,* That such mill and all works and improvements thereunto attached, shall be constructed upon the land of the company or some one of them.

Bluff Mill Co.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 24, 1860.

CHAPTER 213.

AN ACT to extend the corporate limits of the town of LaGrange, reduce the several acts of incorporation into one, and amend the same, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That all that part of Fayette county contained within the following limits, be, and the same hereby is enacted into one town, to be called the town of "LaGrange" viz: beginning at a stake in the south boundary line of entry No. 381 for 1000 acres in the name of the president and trustees of the University of North Carolina, due south from the south-east corner of the lot of land on which the LaGrange Synodical College is located, running thence west to the east line of entry No. 8, for 200 acres, in the name of Wm. Tucker; thence due north to the Somerville road, and on the east

margin of said road, to a stake due west from the north-east corner of entry No. 712, for 274 acres, in the name of the heirs of William Rayners; thence east to a stake due north from the north-east corner of the said lot and which the said college is located; thence south to the beginning, and that the inhabitants thereof, be, and they hereby are constituted a body corporation, and body politic, by the name and style of the Mayor and Aldermen of the town of Lorange, and by that name may sue and be sued; plead and be impleaded in all courts of law and equity, and in all actions whatever; they may purchase and hold property, real and personal, within said town, and may sell, lease, and dispose of the same for the benefit of the town, and may purchase, receive and hold property, real or personal, beyond the limits of the town for a cemetery, hospital or poor house, and may sell, lease, or dispose of said property for the benefit of the town, and all other things touching the same as natural persons; they may also have and use a common seal, and may change or abolish it at pleasure.

SEC. 2. *Be it further enacted*, There shall be a town council to consist of a mayor and six aldermen, who shall be elected by the qualified voters of the town, and a town constable, who shall also be elected by the qualified voters of the town, who shall hold their offices till the next annual election, and until their successors are elected, and qualified.

SEC. 3. *Be it further enacted*, That there shall be an election opened and held within the corporate limits of the town, on the first Saturday in January, each year, for the purpose of electing a mayor and six aldermen, and a town constable; the vote shall be by ballot, and all persons entitled to vote in the State and county elections who reside in the corporate limits of the town, or who own real estate in the town, shall be entitled to vote in said elections.

SEC. 4. *Be it further enacted*, If from any cause the annual election for officers should not be held on the day prescribed in the charter, it shall be lawful for the mayor, or in case the office of mayor is vacant, one of the justices of the peace of the district, to order an election in accordance with the provisions of the charter, and open and hold such election at any time thereafter.

SEC. 5. *Be it further enacted*, When there is a tie between two or more candidates, having the highest number of votes cast for mayor, the election shall be decided by a majority of the votes of the council elect; and a

vacancy occurring at any time in any office except the recorder, shall be filled by the board.

SEC. 6. *Be it further enacted*, In case of a tie in an election for aldermen or town constable, the mayor shall order a new election to be held as before, at any time after giving five days' notice by advertisement at three or more different places in the corporation; in all elections by the people under this charter, the polls shall open at 10 o'clock A. M., and close at 4 o'clock P. M.

SEC. 7 *Be it further enacted*, That all elections under this charter shall be held by the town constable, unless he is a candidate for re election; when the town constable is a candidate, or when that office is vacant, the district constable may hold such election, or the mayor or justices of the peace of the district, may appoint a special deputy to hold such election.

SEC. 8. *Be it further enacted*, That it shall be the duty of the mayor to preside at all meetings of the council, and to cause all the laws and ordinances of the town to be enforced, respected and obeyed, and to call special meetings of the council when he may deem it expedient or necessary.

SEC. 9. *Be it further enacted*, That the town constable shall have power and authority to execute all State warrants for a violation of the criminal laws of the State, and all warrants issued by the recorder for violations of the charter or any of the laws or ordinances of the town, and also to execute all other process that by the laws of the State a constable generally may execute, and his jurisdiction shall extend only to the limits of the town.

SEC. 10. *Be it further enacted*, That the town constable shall have power to summon any persons, whether residents of the town or not, to aid him in arresting any disorderly or riotous person or persons against whom he may have a warrant for any offence committed in his, the officer's presence, and upon their refusing to aid him in making such arrest, they shall forfeit a fine of ten dollars for each such refusal, to be recovered by warrant before the recorder in the name of the mayor and aldermen of the town of LaGrange.

SEC. 11. *Be it further enacted*, That for securing persons who may be arrested for the violation of this charter, or any law or ordinance of the town until a trial can be had, and for the punishment of those who may be ordered to be imprisoned for such violation, any prison house in the corporation may be used, or for greater safety, the recorder may commit the offender to the county jail, or common prison house of the county and

the jailor shall be required to take charge of the same, and shall be entitled to same fees as for other prisoners confined in the county jail.

Recorder.

SEC. 12. *Be it further enacted*, That there shall be a town recorder, who shall be appointed by the mayor or by and with the advice and consent of the board of aldermen, who shall have exclusive original jurisdiction of all offences arising under a violation of the provisions of this charter, or a breach of any law, ordinance or regulation of the town, and concurrent jurisdiction with the justices of the peace of the county, in all cases arising from a violation of the criminal laws of the State within the corporation.

SEC. 13. *Be it further enacted*, That when the recorder is disqualified to act in any case in consequence of relationship or interest, or any other lawful cause, or in case of his absence or vacancy in the office, the mayor shall, by warrant in writing, make a special appointment of recorder, who shall try any special case for which he may be appointed.

SEC. 14. *Be it further enacted*, That the recorder shall hold his office from the time of his appointment till the next annual election, and until his successor is appointed and qualified.

Council.

SEC. 15. *Be it further enacted*, That the town council shall have full power and authority by ordinance, to appoint such other officers and agents of the board as they may deem necessary, and shall fix the compensation of all officers and agents of the board, and may dismiss any officer or agent, two-thirds of the council concurring in such dismissal.

Oath of office.

SEC. 16. *Be it further enacted*, That before entering on the discharge of their official duties, the mayor and each alderman, the town constable and recorder, and such other officers as may be appointed by the council, shall take an oath before some justice of the peace of the county, that he will support the constitution of the United States and the constitution of the State of Tennessee, and that he will faithfully discharge all the duties of the office to which he has been elected (or appointed as the case may be) to the best of his skill and ability during his continuance in office.

SEC. 17. *Be it further enacted*, That the mayor and aldermen shall have power by ordinance—

1st. To levy and collect taxes on all property taxable by the laws of the State for State and county purposes.

2d. To levy and collect taxes on all privileges and polls taxable by the laws of the State for State and county purposes.

3d To tax and license auctioneers, grocers, merchants, retailers, brokers, coffee houses, snack-houses, variety houses, restaurants, confectiondries, retailers of liquors, hawkers, pedlers, livery stable keepers, tavern keepers, negro traders, and all drays, hacks and omnibuses kept and used for profit.

4th. To tax and license, or suppress theatrical and other exhibitions, shows and amusements.

5th. To appropriate money and provide for the payment of the debts and expenses of the town.

6th. To prevent and remove nuisances, and make regulations to secure the general health of the inhabitants of the town.

7th. To open, establish, widen, extend, alter, grade, pave or otherwise improve, clean, and keep in repair streets, lanes, alleys, and sidewalks, or have the same done, or abolish any street, lane, or alley, when it becomes useless.

8th. To erect, establish and keep in repair bridges, culverts, drains, sewers and gutters.

9th. To regulate the use of lights, stove pipes, and flues in all houses, shops, stables, kitchens, and other like places where fire is used.

10th. To establish, support and regulate night watch and patrol.

11th. To erect market houses, establish and regulate markets.

12th. To provide for the erection of all buildings necessary for the use of the town.

13th. To provide for inclosing, improving and regulation of all public grounds belonging to the town in or out of the corporate limits of the town.

14th. To regulate or suppress and prohibit all disorderly houses.

15th. To appoint and regulate a police for the town, impose fines, forfeitures, and penalties, for a breach of any law or ordinance, and to provide for their recovery and appropriation, and appoint an officer or officers, before whom such recovery may be had.

16th. To provide for the arrest and confinement until trial of all riotous or disorderly persons within the town, by day or by night, to authorize the arrest and detention of all free negroes, slaves, or other suspicious persons found violating any of the laws or ordinances of the town, to regulate the time and circumstances under which

free negroes and slaves may be absent from their respective places of abode, and direct the punishment for a breach of such regulations.

17th. To prevent, and punish by pecuniary penalties, all breaches of the peace, noise, disturbances, disorderly conduct, or disorderly assemblies in any street, house, or place in the town, by day or by night.

18th. To prevent and remove all encroachments into or upon all streets, lanes, alleys and avenues.

19th. To remove all obstructions from the sidewalks, and provide for the construction and repair of all sidewalks and curbstones at the expense of the owners of the ground fronting the same.

20th. To pass all laws or ordinances not contrary to the constitution and laws of the State, that may be necessary to carry out the full intent and meaning of this act, and accomplish the object of their incorporation.

Taxes.

SEC. 18. *Be it further enacted*, That when a majority of the qualified voters so direct, the mayor and aldermen may levy and collect a tax for the purposes of education on all real estate within the corporation subject to taxation, not exceeding one per cent. on the cash valuation, and a poll tax not exceeding two dollars on all taxable polls who own no real estate in the corporation.

SEC. 19. *Be it further enacted*, That the question of "School tax," or "No School tax," may be submitted to the voters at the annual election for officers; and if a majority of the qualified voters vote in the affirmative, the board shall fix the rate of taxation not to exceed the limit prescribed in section 17.

SEC. 20. *Be it further enacted*, That the town constable, or other collector, shall collect the school tax when he collects the other taxes, and pay the same into the treasury; and the treasurer shall open an account under the head of "School Fund," under which he shall enter all sums belonging to said fund, and shall pay out the same in no way but on the order of the board. The board may provide, by ordinance, the manner and the objects for which it may be used: *Provided*, It shall not be used for any other purpose than that of the academic department of the LaGrange Female College.

Limits of town.

SEC. 21. *Be it further enacted*, That when the citizens of the town and vicinity wish to extend the limits of the corporation, the question of extension shall be submitted to the qualified voters, resident citizens of the district proposed to be included. The board may order the town constable to give notice in writing, of the day in which such election will be held, and the district proposed to be

included, which notice shall be posted up at three or more different places in town, at least five days before the day of election; and if a majority of the qualified voters within the prescribed limits vote for the extension, the mayor shall certify the same to the County Court Clerk and the County Register, by both of whom it shall be recorded, and for which recording each officer shall receive a fee of one dollar.

SEC. 22. *Be it further enacted*, That when it becomes necessary to appropriate private property for public uses for widening, extending, or straightening or altering of a street, or for opening a new street, as contemplated in the 7th paragraph of section 17, the board may appoint a commissioner to negotiate with the owner of such soil for the right of way; if they cannot agree, the board may appoint two commissioners, and serve a written notice on the other party to appoint two, and these four may appoint a fifth; or if the other party refuse or fail to appoint within ten days after being notified, then the board may appoint four commissioners, and these four may appoint a fifth; and the five commissioners appointed in either of these ways may make the assessment of the damages or the price to be paid for the right of way. Or if the owner of the soil be a non resident, or unknown, or cannot be served with notice, the board shall cause notice to be published in the most convenient newspaper for one month; and if in that time no appointment be made by the other party, the board may appoint four commissioners, and these four may appoint a fifth; and these five shall make the assessment of damages or price to be paid for the right of way as before. Right of way.

SEC. 23. *Be it further enacted*, That the commissioners appointed according to the provisions of the preceding section may set the time and place to meet, and they shall write out and sign their award, specially describing the land to be taken, and shall subscribe to an oath, written and sworn to before some Justice of the Peace, that they have acted impartially, and to the best of their skill and judgment; and the same shall be certified to by the Justice; and upon filing the same with the Clerk of the County Court, and depositing the money or proof that it has been paid or tendered, and other conditions complied with, if any, the Clerk and County Register shall each record it in his office, and shall each be entitled to a fee of one dollar; and thereupon the title of the land shall be divested out of the former owner and vested in the corporation.

SEC. 24. *Be it further enacted*, That this charter is declared to be a public act, and may be read without proof in all courts of law and equity in the State; and shall go into effect from the date of its passage.

SEC. 25. *Be it further enacted*, That all laws and parts of laws coming in conflict with this charter, or inconsistent with its provisions, are hereby repealed.

SEC. 26. *Be it further enacted*, That all laws now in force under the former charter shall remain in force under this charter, until changed, altered or repealed.

Tax Collector of Murfreesboro' SEC. 27. *Be it further enacted*, That the tax collector for the town of Murfreesboro', in Rutherford county, shall have the same power to enforce the collection of the corporation tax of said town, that the tax collector for State and county purposes has to enforce the collection of the revenue for the State and county.

SEC. 28. *Be it further enacted*, That no real estate included in the corporate limits of New Providence, in Montgomery county, not laid off in town lots, or used for farming purposes, shall be taxed for corporate purposes.

New Providence. SEC. 29. *Be it further enacted*, That so much of an act passed _____, incorporating the town of New Providence, or so much as includes all lands lying between "Grove street" and Red river, be, and the same is hereby repealed; and, further, that the east boundary line of New Providence shall begin in a point in the centre of the Cumberland river, and run thence up Grove street, and thence with it due north to the north boundary line; and thence with the old boundaries.

Woodbury. SEC. 30. *Be it further enacted*, That the corporate authorities of the town of Woodbury are hereby invested with all the powers and privileges granted to the mayor and aldermen of the town of Manchester, by the acts of 1858, chapter 50, entitled, an act to incorporate the town of Manchester, and for other purposes.

Lewisburg. SEC. 31. *Be it further enacted*, That the mayor and aldermen of the town of Lewisburg, in the county of Marshall, have the power to enact by-laws and ordinances for the purpose of protecting the peace, quiet, and good order of said town.

Moscow. SEC. 32. *Be it further enacted*, That the inhabitants of Moscow, in the county of Fayette, are hereby constituted a corporation and body politic, by the name and style of the mayor and aldermen of the town of Moscow, and they shall have succession for ninety-nine years; power to sue and be sued; plead and be impleaded in all the courts of law and equity; they may acquire and hold

personal property and real estate, or dispose of the same; they shall have a common seal, which may be changed at pleasure.

Sec. 33. *Be it further enacted*, That the constable of the district on the first Saturday in April, shall open and hold an election for a board of seven aldermen, whose term of office shall be for twelve months from their qualification, or until their successors are elected and qualified, any five of them shall constitute a quorum to transact business.

Sec. 34. *Be it further enacted*, That the board of aldermen shall appoint one of their number mayor, who shall preside and give the casting vote, also all other offices that may be deemed necessary.

Sec. 35. *Be it further enacted*, That the board shall have power to impose fines, penalties and forfeitures, also to tax all the personal property, real estate, privileges and polls taxable by the State, to abate all nuisances, to prevent disorder by day or night, make all laws or regulations which may be necessary and proper for the quiet, orderly government of the corporations.

Sec. 36. *Be it enacted further*, That the board shall have power to appoint two commissioners, with a competent surveyor, to determine the boundaries of the corporation.

Sec. 37. *Be it further enacted*, That the constituted authorities of the town of Macon, in the county of Fayette, are hereby authorized to tax the sale of ardent spirits within the corporation. Macon.

Sec. 38. *Be it further enacted*, That the charter of the town of Pulaski be so amended that the mayor and aldermen of Pulaski shall have the power to cause foot pavements and sidewalks to be constructed or repaired in the streets of said town and on the public square, by the owner or owners of lots adjoining the same, and if the owner or owners of any lots shall fail to comply with the provisions of such by-law or ordinance passed for that purpose, within such time as may be prescribed thereby, the mayor and aldermen may contract with some suitable person or persons for the construction or repair of the same, and pay therefor, and the amount so paid or contracted to be paid by said mayor and aldermen, shall constitute a charge against the owner or owners of lot or lots adjoining said work, to be recovered by suit, in the name and for the use of the corporation, before the corporation court or in any court of law or equity in the State of Tennessee, having jurisdiction of the amount. Pulaski.

SEC. 39. *Be it further enacted,* That the mayor and aldermen of the said town shall have power to enact by-laws and ordinances for the removal, prosecution and suppression of all nuisances in any part of said town, and all obstructions of the streets, alleys, public square and side-walks.

SEC. 40. *Be it further enacted,* That this act shall take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 23, 1860.

CHAPTER 214.

AN ACT to incorporate the White's Bend Turnpike Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the persons who may become stockholders, pursuant to the provisions of this act, shall be, and they are hereby constituted a body corporate and politic, by the name and style of the White's Bend Turnpike Company, and by that name and style may sue and be sued, plead and be impleaded in any court of law and equity in this State.

SEC. 2. *Be it further enacted,* That the following named persons are hereby authorized to open books for subscription for stock in said road, at the following places, to wit: G. C. Torbett and A. J. McWhirter, at Nashville, and Matt Anderson, and Dr. J. B. Moore, and Willoughby Dozier at Lipscombe and Wade's Steam Mill.

SEC. 3. *Be it further enacted,* That the capital stock of said company shall be ten thousand dollars, or less or more if necessary; shares to be twenty-five dollars each, and as soon as the sum of five thousand dollars shall have been subscribed for said road, a meeting of the stockholders shall be held at said steam mill, of which ten days notice shall be given at said mill, at Clifton, and Nashville, who shall proceed to elect seven directors who shall be stockholders, four of whom shall constitute a quorum to do business, to pass by-laws and organize said company.

SEC. 4. *Be it further enacted,* That said company shall be authorized to build a McAdamized road twenty-four feet wide, to be covered with stone or gravel, at the election of the company, for the space of at least sixteen feet wide, and to commence at Clifton, connecting there with the Clifton and Charlotte Turnpike, in the county of Davidson, and to run thence in or near a westwardly direction, through the lands of Simon Fudge, Edwin H. Ewing, A. V. S. Lindsley, James Adams and Mark Cockrill, crossing the Cumberland at the head of Robinson's Island; thence across the lands of W. and D. Lipscombe, S. B. Seat, A. J. and G. F. McWhirter, in a direct line across the Cumberland river; thence through the lands of Willoughby Dozier and others, pursuing the most eligible route to the bank of Harpeth river, near its mouth: *Provided,* That it shall not be lawful to destroy or impair the walls or fences of Mark R. Cockrill, in the building or erection of said road, and the same shall not be opened or exposed, except through the gates, until the road is built ready for travel thereon; *And, provided further,* That said company shall have the right to erect and use gates on the bed of said road, in building the same.

SEC. 5. *Be it further enacted,* That the privileges of a ferry shall be allowed to said company at both points of crossing; and as soon as five miles shall be completed, the company shall have power to open said ferries and charge toll thereon, not more than is charged at Hyde's ferry.

SEC. 6. *Be it further enacted,* That said company shall have the right to take and use timber, stone and earth for the construction of said road, making proper compensation therefor to the owners, and to the owners of the lands over which the road shall run; the company shall be liable to damages according to existing laws in such cases.

SEC. 7. *Be it further enacted,* That in all other respects not herein provided for, said company shall have all the powers and privileges, and be subject to all the restrictions contained in the charter of the Murfreesboro' and Woodbury Turnpike Company, passed February 2d, 1850.

SEC. 8. *Be it further enacted,* That James H. Wilson, John E. Tullas, Samuel W. Starnes, Young W. Redman, M. W. Pollard, A. R. Pinkston, J. W. Starnes, Gabriel Low, of Williamson county, be, and the same are hereby appointed commissioners to open books and receive subscriptions to build a McAdamized

road from a point on the Harpeth or Wilson Turnpike, between the residences of Thos. H. Peebles, and Benjamin Stephens, and running on the most practicable route so as to intersect the Eagleville and Franklin Turnpike at or near the Wesley meeting house, or at such point on the above road as the company may determine; as soon as sufficient amount may be subscribed in work or money, or both, to build five miles of the road, the commissioners shall call a meeting of the stockholders, who may elect five directors, one of whom shall be president of the company, and they may elect a secretary and treasurer; the directors chosen by the stockholders, may locate the road, let the contracts for building the same, and have all the powers and privileges granted to the Eagleville and Franklin Turnpike, and shall be a body corporate and politic, known and designated by the name of the president and directors of the Wesley Turnpike Company.

Duck River *
Turnpike Co.

SEC. 9. *Be it further enacted*, That a turnpike company is hereby created, by the name and style of the Duck River Turnpike Company, who are authorized to build a McAdamized turnpike road from a point on or near John F. Thompson's on the Shelbyville and Unionville Turnpike, in Bedford county, to White's Mills, on Duck river, to run on the north side of the river, and that William G. Cannon, Wilson Turrentine, John F. Thompson, and Newton C. Thompson, Samuel A. Thompson, and Joseph Anderson be appointed commissioners to open books for subscription for stock in said company, in shares of twenty-five dollars, to be paid in cash or labor; said books may be opened and stock taken by a majority of said commissioners, or any one of them, or any agent they may select.

SEC. 10. *Be it further enacted*, That said road shall be built as the Shelbyville and Unionville Turnpike Road now constructed, and have all the rights, privileges, and exemptions, and be subject to all liabilities and obligations and restrictions of the said Shelbyville and Unionville Turnpike Company, as far as applicable.

Dover and La-
fayette Turnpike
Co.

SEC. 11. *Be it further enacted*, That all persons who may hereafter become subscribers to the stock of said turnpike road, be, and they are hereby constituted a body politic and corporate, by the name and style of the Dover and Lafayette Turnpike Company, and by that name may sue and be sued, plead and be impleaded, and have a common seal and succession for ninety nine years.

SEC. 12. *Be it further enacted*, That said incorporated body may buy, sell and own both real and personal

estate; may in their corporate name, receive and make title to the same.

SEC. 13. *Be it further enacted*, That James E. Price, James Lee, jr., Christopher Dudley, Nathan Brandon, James M. Scarborough, F. P. Gray, E. S. Winn, Clay Roberts, A. B. Ross, Dr. J. W. Smith, Wesley Brandon, Joseph Saterfield, John H. Lisenby, Samuel P. Gentry, E. T. Bayard, and John L. Evans, or a majority of them are hereby appointed commissioners to open books and to receive subscriptions for stock in said company, at such times and places as they may deem best, the books to be opened at least within six months of the passage of this act.

SEC. 14. *Be it further enacted*, That the capital stock of said company shall not exceed twenty-five thousand dollars, divided into shares of fifty dollars each, to be applied in the construction of a turnpike or McAdamized road, from Dover, Tennessee, to the Kentucky line, near LaFayette, in Christian county, Kentucky.

SEC. 15. *Be it further enacted*, That said road shall begin on the north side of Cumberland river at the upper ferry landing on said Cumberland river, running up said river to the dividing line between the lands of Mrs. Susan A. Bayless, and James Lee, jr., thence with the road leading from Dover to LaFayette, Kentucky, until said road strikes Dyer's creek, thence up said creek the most practicable route to the State line, between the States of Kentucky and Tennessee, near the said town of LaFayette in Kentucky.

SEC. 16. *Be it further enacted*, That the commissioners herein named or a majority of them shall locate and fix the route of said road, and as soon as five thousand dollars are subscribed, said commissioners shall give twenty days' notice in some newspaper published in Montgomery or Stewart county, of a meeting of the stockholders in the town of Dover, to elect directors, pass by-laws, and organize the company.

SEC. 17. *Be it further enacted*, That the provisions of the act of the 31st of December, 1829, incorporating the Franklin Turnpike Company, and the act 25th of January, 1838, incorporating the Charlotte and Harpeth Turnpike Company, shall extend to and be taken as part of this charter, except where otherwise provided for by this act.

SEC. 18. *Be it further enacted*, That when five miles of said road shall be completed, commencing at the Cumberland river at the upper ferry landing, opposite the town of Dover, the said company shall be authorized to erect

Rates of toll.

one toll-gate, at which they may demand and receive the following rates of toll, to-wit: For every twenty head of hogs, or sheep, fifteen cents; for every twenty head of horned or neat cattle, thirty cents; for every horse or mule not employed in drawing a carriage, three cents, and so in proportion for any number of said animals; for every four-wheeled pleasure carriage, twenty five cents; for every two-wheeled pleasure carriage ten cents; for every loaded wagon drawn by two horses, or mules, fifteen cents, if drawn by three horses or mules, twenty cents, and if drawn by four horses or mules, twenty-five cents; for every empty wagon, ten cents; for man and horse, five cents; for every cart ten cents.

SEC. 19. *Be it further enacted*, That said commissioners may erect a toll-gate for every five miles of said road, and that the toll shall be the same at all the gates.

SEC. 20. *Be it further enacted*, That directors elected and commissioners appointed under this act, or a majority of them may, at the end of thirty days after the election of the directors, proceed to value the making of each mile or half mile of said road, or so much thereof as they may think proper, and any person or persons undertaking any such mile or half mile of said road, shall be credited on the books of said company with an amount of stock equal to the valuation of making said mile or half mile of said road, and certificate of stock shall issue to him as though the money had been paid.

SEC. 21. *Be it further enacted*, That the middle of said road shall be eighteen feet grade, and twelve feet to be covered with stone, not weighing over half pound, six inches deep, and with gravel or fine stone six inches deep.

SEC. 22. *Be it further enacted*, That nothing herein contained shall be so construed as to authorize the issuance of any State bonds for the building of said road.

Greenwood
Cemetery.

SEC. 23. *Be it further enacted*, That D. N. Kennedy, James P. Johnson, J. E. Bailey, Thomas J. Munford, and their associates, be, and they are hereby constituted a body politic and corporate, under the name of Greenwood Cemetery, and by that name may sue and be sued, and hold and take real estate, to be used exclusively as a cemetery, and such personal estate as may be necessary for the purposes of this incorporation.

SEC. 24. *Be it further enacted*, That the capital stock of said corporation shall be divided into shares of twenty-five dollars each, shall be deemed personal property, and be transferable on the books of the corporation in such manner as its by laws may direct.

SEC. 25. *Be it further enacted*, That the persons named in the first section shall direct the affairs of said corporation until a board of five directors shall be elected by the persons who may subscribe for stock in said company, which shall be at a day to be fixed by said persons, within twelve months from the passage of this act, and after that time biennially.

SEC. 26. *Be it further enacted*, That said corporation shall have power to sell lots in said cemetery, for burial purposes; to appoint suitable agents and officers; to make such rules, regulations and by-laws from time to time, for the government of the company as may be deemed necessary; and the real estate held and used for burial purposes shall be exempt from taxation as long as it is so used.

SEC. 27. *Be it further enacted*, That said corporation may take and hold any grant, donation or bequest of property upon trust, to apply the same or the income thereof, for the improvement or embellishment of the cemetery, or any lot, or structure, or monument thereon.

SEC. 28. *Be it further enacted*, That the formation of a company is hereby authorized for the purpose of constructing a McAdamized or gravel road from Pulaski, in the county of Giles, by way of Vale Mills, in said county, to the town of Lawrenceburgh, in Lawrence county, to be known and designated as the Lawrence and Giles' Turnpike Company.

Lawrence and
Giles Turnpike
Co.

SEC. 29. *Be it further enacted*, That the capital stock of said company shall be fifty thousand dollars, in shares of twenty-five dollars each, with the privilege of increasing the same, if it shall be deemed expedient by the board of directors, and payable in work, or money, or labor and materials for building said road as the stockholder may designate at the time of making his subscription.

SEC. 30. *Be it further enacted*, That James F. Smith, Wm. Fogg, Alexander G. Steele, Thomas D. Davenport, Jas. S. Conner, David Bodenhammer, and Thomas W. Jones, of the county of Giles; and Wm. Simonton, Dr. J. M. Hamilton, Stephanus Besby, Wm. B. Chaffin, Cobb B. Davis, and L. Mino Bently, of Lawrence county, be, and they are hereby appointed commissioners to open books in the town of Pulaski; Vale Mills in the town of Lawrenceburgh, for the purpose of receiving subscriptions for stock in said turnpike company; said commissioners shall keep two sets of books, one for the purpose of receiving subscriptions for stock payable in work or materials, and one for stock payable in money.

SEC. 31. *Be it further enacted*, That when the sum of

eight thousand dollars shall be subscribed in work or money, or in both, then the commissioners shall call a meeting of the stockholders at Vale Mills, after giving twenty days' public notice in the newspapers at Pulaski and Lawrenceburgh, who shall proceed to elect seven directors, who shall hold their offices for two years, and until their successors are elected, any four of whom shall constitute a quorum, with full power to transact all business; said directors after being duly sworn well and faithfully to discharge the duties of their office, shall elect one of their body the president, whose signature and private seal shall be sufficient to authenticate all acts and obligations of the company when made in pursuance of the directions of said board of directors, a majority of the board present being required in all instances to bind the company.

SEC. 32. *Be it further enacted*, That when said board of directors are elected and qualified, or a majority of them as before specified, then said company is hereby declared a body politic and corporate, with full power to sue and be sued, under the name and style aforesaid, and to do all lawful acts as prescribed by this charter and the law of the land, as applicable to the same.

SEC. 33. *Be it further enacted*, That when any vacancy shall occur either by the directors who may be elected, failing and refusing to be qualified, or by removal from the State, death or resignation, then a majority of the board elected shall have full power to fill said vacancy, and said director so selected, shall hold his office until the next general election.

SEC. 34. *Be it further enacted*, That the board of directors as soon after their election as practicable, shall employ an engineer or some other competent person, to survey and locate said road, under the direction of said board, the nearest and most practicable route from the town of Pulaski, by way of Vale Mills to the town of Lawrenceburgh; said engineer under oath, shall make out and file with said board of directors an estimate of the cost of building said road.

SEC. 35. *Be it enacted, further*, That as soon as said estimates shall be made out and filed, the directors shall proceed to let to contract the building of said road, giving to the owners of the soil over whose lands said road shall be located the preference in all instances of taking said contract: *Provided*, They will do the same at the estimates made by said engineer, and the balance of said road they shall let out publicly or privately, as to them may seem best.

SEC. 36. *Be it further enacted*, That the company are not required to McAdamize or gravel any part of said road, when in the opinion of the engineer, grading only will be sufficient.

SEC. 37. *Be it enacted, further* That the grading shall at no place be greater than five degrees elevation, shall be twenty feet wide, covered with rock or gravel for twelve feet in the centre, eight feet of said rock or gravel in the centre shall be eight inches thick, and two feet on each side four inches thick.

SEC. 38. *Be it further enacted*, That said company may erect five gates upon said road, but no gate shall be located nearer than one mile of the court-house in the town of Pulaski, and the town of Lawrenceburgh, and of four miles of each other.

SEC. 39. *Be it further enacted*, That the company may purchase such quantity of land as may be necessary, not exceeding twenty-five acres, to put up suitable toll-gates and houses.

SEC. 40. *Be it further enacted*, That the company shall have the right to put up one gate at each end when three miles of the road shall be completed at each end, or one gate if only three miles is completed at one end, and one gate for each additional four miles that may be completed.

SEC. 41. *Be it further enacted*, That the company shall have five years from the time of the survey and location of said road to complete the same, and two years to commence work.

SEC. 42. *Be it further enacted*, That in the event that ten miles of the road shall be completed in five years, from either end, this charter shall not be forfeited, and the company may elect whether to complete said road, or hold the privileges and franchises of this charter for the ten miles which shall be built; and if only ten miles shall be made, the company shall only be entitled to three gates.

SEC. 43. *Be it further enacted*, That the company shall have the right to appropriate the land for the space of thirty feet upon which said road shall be located, and all gravel and stone adjacent thereto for the purpose of building, doing as little damage as practicable to the owners in using the same; and whenever the owners of the soil or rock or gravel shall not relinquish the same, and the parties cannot agree upon the price to be paid, or the damages sustained, that then the owner shall have the right to file his petition to the Circuit Court, giving the company five days' notice, the court shall ap-

point five freeholders, who shall go upon the premises and assess the damages, and report the same to the succeeding term of the Circuit Court, when their report shall be entered as the judgment of the court if no sufficient cause is shown to the contrary: *Provided*, That either party may appeal to the Supreme Court.

Rate of Toll.

SEC. 44. *Be it further enacted*, That the toll for said road shall be as follows, at each gate: one cent per head for hogs or sheep; two cents per head for cattle horses or mules in a drove; for horses or mules not in a drove and not employed as a draught horse, five cents per head whether mounted or not; for every loaded wagon twenty-five cents; and for every empty wagon, ten cents; every loaded cart upon only two wheels fifteen cents, empty five cents; for all pleasure carriages and barouches drawn by two or more horses, twenty-five cents; for every buggy drawn by two horses, fifteen cents, by one horse ten cents.

SEC. 45. *Be it further enacted*, That no person shall pass through any gate, unless permitted by the gate-keeper, without paying the toll due; and if any person should so pass, then it shall be the duty of the gate-keeper to pursue them, and sue them in the name of the company before any Justice of the Peace in this State, who shall give judgment for five dollars as a penalty, in addition to the gate fees.

SEC. 46. *Be it further enacted*, That on information given by any person under oath, before any Justice of the Peace, that the road has been twenty days out of repair, the Justice shall issue a warrant to some constable or the sheriff, against the nearest gate-keeper, or the president of the board of directors to appear before him at a time specified therein, and also commanding him to summon three freeholders, who shall go upon the road and investigate the charge. If they find it true, the Justice of the Peace shall give judgment that the nearest gate shall be opened, and no toll taken at said gate until the road shall be duly repaired and the cost of the proceeding paid. Upon due proof before said Justice that said road is repaired, he shall order that said gate be closed and toll collected as before. The free-holders so summoned shall be entitled to one dollar each, and the magistrates and officers the same fees as for other similar services.

SEC. 47. *Be it further enacted*, That an election shall be held every two years for directors; twenty days' notice shall be given in the newspapers of Pulaski and Lawrenceburg, of the time and place of holding said

election; and every stockholder shall be entitled to one vote for each share he has taken. The seven highest number voted for shall be declared elected.

SEC. 48. *Be it further enacted*, That the hands of all stockholders over whose lands said road shall pass, and whose hands shall be residing on the same, shall be exempt from working upon all public roads: *Provided*, He has relinquished the right of way to said company, has taken three shares of stock for every hand liable to work upon said road, and the dividends upon said road does not exceed two cents to the dollar of stock subscribed; and provided, also, that no other public road passes through any part of his lands; and if any other public road should pass through any other portion of his lands, upon which his hands may be living, then said hands shall only be assigned to work on said road.

SEC. 49. *Be it further enacted*, That the board of directors shall have full power to elect all officers, such as secretary, treasurer, superintendent, and gate-keepers, prescribe the mode of transfer of stock, and make and pass all by-laws necessary and proper to carry this charter into effect.

SEC. 50. *Be it further enacted*, That the corporations of the towns of Pulaski and Lawrenceburgh, and the Southern Central Railroad Company shall have power to subscribe for stock in said company.

SEC. 51. *Be it further enacted*, That James Young, Charles Corey, James M. Edwards, and their associates, are hereby constituted a body politic and corporate, under the name and style of the Southern Mining and Manufacturing Company, for the purpose of exploring, mining, and vending iron and other ores and minerals; and for working, smelting, manufacturing and vending the same; and to continue in existence to them and their successors for the period of ninety nine years; with power to make and use a common seal, to alter or change it at pleasure; to make such by-laws, not inconsistent with the laws of this State and the United States, as it may deem proper and necessary for its government; in its corporate name to sue and be sued, to plead and be impleaded, to purchase and acquire, to receive in donation; to rent, lease, hold, possess and enjoy all such real and personal estate, and all mining privileges and rights of way that may be useful for carrying on its operations; to have succession, to hold by purchase or otherwise, and to dispose of the same, any real estate or personal property which may be useful or necessary for carrying on its operations, or which it may be possessed

Southern Mining
and Manufacturing
Company.

of in payment of debts due to it, in whole or in part, or otherwise purchased: *Provided, always*, That the first cost of such real estate shall not exceed the maximum amount of capital stock hereinafter provided for.

Capital stock.

SEC. 52. *Be it further enacted*, That the capital stock of said company shall not be less than fifty thousand dollars, with liberty to increase the same as hereinafter provided, to be divided into shares of not less than one hundred dollars each; the amount of capital stock, the number and price of shares shall be fixed and agreed upon by the corporators, at their first meeting under this act; nothing but money or mineral property shall be regarded as a basis for capital stock; the stock to be subscribed and paid for as the board of directors may prescribe; the shares shall be considered personal property, and shall be transferable only on the books of the company, in person or by attorney.

Directors.

SEC. 53. *Be it further enacted*, That the corporators named in the fifty first section of this act may elect, at their first meeting, a board of directors, consisting of not less than five nor more than seven, who shall hold office for one year, and until others are elected in their stead. At any annual meeting of the company the number of directors for the year ensuing may be lessened or increased by a vote of the stockholders. The annual meetings of the company shall be held at such times and places as the board of directors may determine from year to year, thirty days previous notice being given in some newspaper, published near the place of business, of the time and place of such meeting. At such annual meeting of the company, a board of directors shall be chosen for the ensuing year; but in case of a failure to elect a board of directors, the charter of the company shall not be forfeited thereby, but the directors of the previous year shall continue in office until others are elected in their stead. The directors shall elect one of their number president of the company, and shall appoint such other officers and agents as they may deem proper, and fix their salaries.

Liability of stockholders.

SEC. 54. *Be it further enacted*, That all stockholders not having paid for their stock according to the terms of subscription, shall be personally liable to the creditors of the company to the amount so remaining unpaid; the directors shall also be liable to the creditors of the company for any amount they may declare and authorize to be paid to the stockholders as dividends, when the company shall be unable to pay the debts then due by it. To avoid such liability on the part of any director, he

must enter or cause to be entered on the minutes of the board his dissent thereto; or, if not present when the act is done, he shall so record, or cause to be recorded, his dissent thereto, within thirty days after such dividend shall have been authorized.

SEC. 55. *Be it further enacted*, That said company may, at its pleasure, and in such form and manner as the directors shall elect and declare, increase their capital stock to any amount they may deem advisable not exceeding one million of dollars; and said directors shall have power to sell, dispose of, or take subscriptions for such increased or additional stock, in such manner and form, at such time and place, and on such terms as they may think proper to order and prescribe.

SEC. 56. *Be it further enacted*, That said company shall not contract any debts over and above the amount of capital stock paid in, no part of which shall be withdrawn or in any way or manner diverted from the business of the company without the consent, in interest, of three-fourths of the stockholders.

SEC. 57. *Be it further enacted*, That the individual property of each stockholder shall be deemed and held ^{Individual liability.} liable for the payment of his stock.

SEC. 58. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 21, 1860.

CHAPTER 215.

AN ACT to incorporate the Middle Tennessee Insurance Company, at Lebanon, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That William B. Campbell, John W. Price, Ed. Donoho, Samuel T. Motley, and Leopold Driffoos, and their associates and successors, be, and they are hereby created a body politic and corporate, by the name and style of the Middle Tennessee Insurance

Company, at Lebanon, and by that name shall have succession for ninety-nine years, sue and be sued, plead and be impleaded, and generally to do every act and thing necessary and proper to carry out the provisions of this act, and to promote the objects and designs of this corporation.

Capital stock.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall not exceed three hundred thousand dollars, to be divided into shares of one hundred dollars each, and the persons above named shall open books for the subscription of stock, after giving such previous public notice as they may agree upon, and when one hundred thousand dollars shall have been subscribed, and the sum of five thousand dollars paid thereon, the stockholders may meet and elect five directors, and said directors shall elect one of their number president during their term of office.

Directors and agents.

SEC. 3. *Be it further enacted*, That the affairs of said company shall be managed by a board of directors to be elected every two years, consisting of not less than five, and such agents and officers as they shall appoint; a secretary and president shall be elected every two years by the directors, and all vacancies happening in said board, or in any of said offices may be filled by the acting directors for the remainder of the term for which they were elected or appointed; the board shall have power to declare by by-laws, what number of directors less than the whole shall constitute a quorum for the transaction of business, as also the number of directors to be elected, and the time and place of holding the biennial elections; the directors shall have power to require security for the payment of all stock subscribed and not paid in, if they deem it expedient for the safety of the company, and generally to adopt that course which they may think best calculated to advance the interest of the company.

SEC. 4. *Be it further enacted*, That the said company shall have full power and authority to make insurance against losses by fire, at such a rate of premium and upon such terms and conditions as may be agreed upon, on any house, tenement, manufacturing or other building, and on goods, wares, and merchandise, and other effects therein, and on hay, grain, and other agricultural products, in barns, stacks or otherwise; and generally on all kinds of buildings, goods, wares and merchandise, and effects, together with every species of property, pursuit or business, in the pursuit or prosecution of which there is any loss or risk, and also to make and effect insurance on lives of whatever sort or nature; to contract for, grant

and sell annuities, and reversionary payments; and to make, execute, and perfect such contracts; and any such contract, bargain, agreement, policy or other instrument to be made by the said company, shall be in writing or print, under the corporate seal, signed by the president, and attested and signed by the secretary, or other officers who may be appointed by the directors for that purpose: *Provided, however,* That the company shall not exercise any of these powers until the full subscription of one hundred thousand dollars shall be made and five dollars on each share be paid in.

SEC. 5 *Be it further enacted,* That the directors of said company shall, on the first Mondays of January and July, in each and every year, declare and divide so much of the profits of said company as to them shall appear advisable, first deducting all losses and expenses, and pay the said dividends to the respective stockholders, or their duly empowered agents; but the moneys received as premiums on risks which remain undetermined and outstanding at the time of declaring such dividend, shall not then be considered as part of the profits of said company, or divided as such; and if any loss should happen, whereby the capital stock of said company shall be lessened no subsequent dividend shall be made until a sum equal to such diminution shall have been added to said capital stock; and if the directors shall knowingly make a dividend or dividends contrary to the true intent and meaning of the prohibition herein contained, such of them as shall consent thereto, shall, in their individual capacity, be accountable for and pay over to the said company for the use thereof, as much money as they may so divide and pay, more than by this act they are authorized to do; and each director in office at the time of making such dividend hereby prohibited, shall be deemed as consenting thereto, unless he or they shall, at the time of making and declaring the same, be absent from the meeting of the board of directors, or if present shall immediately enter his or their protest or protests on the minutes of the board.

Dividends.

SEC. 6. *Be it further enacted,* That in the election of directors of said company, each stockholder shall be entitled to cast as many votes as he has shares, and each one may be represented in said election by proxy.

SEC. 7. *Be it further enacted,* That should the said company at any time fail to meet its engagements, each person holding stock at the time of such failure, shall be individually liable for the debts of the company, to

Individual liability.

the amount of the balance unpaid on the stock of such stockholder ; and if any officer, agent, or other person connected with or doing business for or with said company, shall fraudulently embezzle or appropriate to his or their own use, or the use of any other person or persons, any money or other property belonging to said company, or left with it or them as a special deposit or otherwise, he or they, upon conviction thereof, in any court having jurisdiction thereof, shall be fined in a sum not less than five hundred dollars, and be imprisoned in the Penitentiary or county jail for any time not exceeding two years at the discretion of the court : *Provided*, That this conviction shall not prevent any person aggrieved from pursuing his or her civil remedy against such person or persons.

SEC. 8. *Be it further enacted*, That the business of the company shall be carried on at such place in the town of Lebanon, Tennessee, and by such agencies out of said town as the directors may designate and establish.

SEC. 9. *Be it further enacted*, That within thirty days after the close of each fiscal year, the officers of said company shall cause to be made and published for two weeks, in some newspaper published in Lebanon or the city of Nashville, a general balance sheet, showing the amount of capital stock, amount of premiums and interest on investments received during the year, the balance remaining with the company, the nature of such securities in which said balance is invested, and the amount of cash on hand, and also a full account of the existing policies.

State tax.

SEC. 10. *Be it further enacted*, That said company shall pay to the State an annual tax of one half of one per cent on each share of the capital stock subscribed, which shall be in lieu of all other taxes.

SEC. 11. *Be it further enacted*, That this act shall take effect and be in full force from and after its passage.

SEC. 12. *Be it further enacted*, That the company hereby incorporated, or the act incorporating said company, shall be subject to such general laws as the Legislature may from time to time enact, regulating and restricting such corporations.

SEC. 13. *Be it further enacted*, That John J. Creig, Percy Dickinson, Robert Craighead, Joseph H. Walker, Samuel B. Boyd, M. L. Hall, A. G. Jackson, William G. Swann, Charles J. McClung, O. P. Temple, Columbus Powell, W. H. Sneed, James H. Cowan, Samuel Morrow, W. B. Shepard, James C. Moses, Nathan Nelson, Henry Ault, William Craig, Campbell Wallace,

James C. Lutterell, C. W. Charlton, R. M. McPherson, John Fouche, Joseph A. Mabry, Thomas C. Lyon, M. B. McMahon, Wm. Homer, J. A. Rayl, W. B. Edelen, W. G. Brownlow, Robert West, John H. Crozier, Thos. W. Humes, Wm. Lackey, George W. Harris, Robert J. McKinney, Horace Maynard, Wm. H. Eckel, Samuel T. Atkin, John Baxter, John Parker, Wm. A. Spencer, J. S. Vangilder, and James Rodgers, and all and every other person or persons who may become associated with them as hereinafter prescribed, their successors and assigns be, and they are hereby created a body politic and corporate, by the name and style of "The East Tennessee Mutual Insurance and Trust Company," to be located in the city of Knoxville, at such place as may be assigned by a majority of the company present at any regular meeting. and by their corporate name, they and their successors, for the period of thirty years, shall have succession and a common seal, and shall be capable of suing and being sued; pleading and being impleaded; answering and being answered unto; defending and being defended in all matter and cause whatsoever.

SEC. 14. *Be it further enacted*, That said company shall have power to ordain, establish and put in execution such by laws, ordinances, and regulations as may be necessary and convenient for the the government of said corporation and the transaction of its business; and by its corporate name said company shall have power to purchase, receive, have, hold, and enjoy, and enjoy to them and their successors lands, tenements, hereditaments, goods and chattels, of what nature, kind or quality soever, real, personal, or mixed, and the same from time to time, to sell, demise, grant, alien or dispose of: *Provided*, That the said real estate shall be only such as shall be necessary to accommodate the said corporation in the transaction of its business, or shall be taken and held as security for the payment of debts due that corporation, and that the yearly income of said real estate, shall not, at any time, exceed twenty thousand dollars.

SEC 15 *Be it further enacted*, That said corporation may insure their respective lives, and make all and every insurance appertaining to, or connected with life risks, of whatever kind or nature, as well of the sound in health, as the infirm and invalid; and to insure their respective dwellings, houses, stores, shops, and other buildings, household furniture, merchandise and other property against loss or damage by fire.

SEC. 16 *Be it further enacted*, That the affairs of the company shall be managed by a board of directors, to

be elected by the corporators upon the organization of the company, and such other officers and agents as the directors may from time to time appoint, for the first twelve months after its organization, and thereafter by such directors, officers and agents as shall be elected and appointed in pursuance of the by-laws of the company; and all vacancies happening in said board of directors shall be filled as the company may prescribe; a majority of the directors shall constitute a quorum for the transaction of business.

Sec. 17. *Be it further enacted*, That all elections of directors shall be made by ballot, and by a plurality of members or their proxies then present, allowing each member one vote for every hundred dollars insured in said company, provided notice of such election shall have been previously given for twenty days or more, in some newspaper, printed in Knoxville, of the time and place at which said election shall be held.

Sec. 18. *Be it further enacted*, That the directors may determine the rates of insurance, the amount to be insured, and the sum to be deposited for the same.

Sec. 19. *Be it further enacted*, That every person who shall become a member of said corporation, by effecting insurance therein, shall, before he receives his policy, deposit his promissory note for such a sum of money as shall be determined by the directors; a part not exceeding ten per cent. of said note, shall be immediately paid, and the remainder of said deposit note shall be payable in part or in whole, at any time when the directors shall deem the same requisite for the payment of losses and such incidental expenses as may be necessary for the transaction of the business of the company; and at the expiration of the time of insurance, the said note, or such part thereof as shall remain unpaid after deducting all losses and expense accruing during said time; shall be relinquished and given up to the maker thereof, or if he or she be dead, to his or her personal representative.

Sec. 20. *Be it further enacted*, That when any property insured with this corporation shall be alienated by sale or otherwise, the policy shall be void and surrendered to the company and cancelled, and upon such surrender the assured shall be entitled to receive his deposit note upon the payment of his proportion of all losses and expense that shall have accrued prior to such surrender, but the grantee or alienee having the policy assigned to him, may have the same ratified and confirmed to him for his own proper use and benefit, upon application to the directors and with their consent, on giving satisfac-

tory security for such portion of the deposit note as may remain unpaid, which shall entitle the party to all the rights and privileges, and subject him to all the liabilities to which the original party, to whom the policy issued was entitled and subjected under this act.

Sec. 21. *Be it further enacted*, That every member of said company shall be bound to pay for losses and necessary expenses, in proportion to the amount of his deposit note.

Sec. 22. *Be it further enacted*, That suits at law and equity may be instituted and maintained by said corporation against any of its members, for the collection of deposit notes, or any assessment thereon, or for any other cause relating to the business of said corporation in the Circuit or Chancery Court of Knox county, and to this end all the necessary process shall issue to bring the proper parties before the Courts; and suits may likewise be prosecuted and maintained by any member of said company against the corporation for losses, if payment is withheld for more than two months after the loss is sustained and the company is duly notified thereof, and no member of the corporation, not being in his individual capacity a party to such suit, shall be incompetent as a witness in any such case on account of his being a member of said company, and the books of said company shall be evidence for either party in all such suits.

Sec. 23. *Be it further enacted*, That the directors shall, after receiving notice of any loss or damage sustained by any member, and ascertaining the same, or after the rendition of any judgment against the company for loss or damage, settle and determine the sums to be paid by the several members of said company as their respective portions of said loss or damage, and shall have the same published for thirty days, as the by-laws may prescribe, and if any member shall neglect or refuse to pay the same for the period of thirty days after the publication of said notice, then, in that case, the directors shall sue for and recover the whole amount of the deposit note or notes of the defaulting stockholder or stockholders, with the costs of suit, and the amount thus collected shall remain in the treasury of the company, subject to the payment of such losses and expenses as have or may thereafter accrue, and the balance, if any, shall be returned to the party from which it was collected, on demand, within three months from the expiration of the term for which insurance was made.

Sec. 24. *Be it further enacted*, That if the whole amount of the deposit notes shall be insufficient to pay

the losses occasioned by any fires or deaths, in such case the sufferers insured by said company or their representatives, shall receive towards making good their losses, his proportion of the deposit notes according to the sum by him insured, and in addition thereto, a sum to be assessed on all the members of said company, on the same principle as regulated the amounts of their respective deposit notes, but not exceeding one dollar on every hundred dollars by them insured; and any member may at any time, upon the payment of and the surrender of his policy, shall be discharged from all liability subsequently accruing against the company.

SEC. 25. *Be it enacted*, That a lien to the amount of each deposit note on the buildings insured, and the right, title and interest of the assured to the lands on which they are erected, shall continue and be a subsisting lien or mortgage, so as to enable the company to recover thereby any losses and expenses sustained by the company in proportion to the deposit note: *Provided*, The same accrued previous to the termination of his or her policy; *And, provided further*, It shall be expressed in the policy that insurance is made subject to such lien

SEC. 26. *Be it further enacted*, That any married woman may, by herself or trustee, insure for her own use the life of her husband, for a definite period, or for the term of his natural life, and in case she survives him the amount insured and becoming due and payable according to the policy of insurance, shall be paid to her for her own use free from the claims of the representatives of her husband or any of his creditors.

SEC. 27. *Be it enacted*, That any husband may insure his own life for the sole and separate use and benefit of his wife or for his wife and children, and in case of his death, the amount thus insured shall be paid over according to the policy to the wife, or to the wife and children, free from the claims of his representatives, and any and all of his creditors.

SEC. 28. *Be it further enacted*, That no policy shall be issued by this corporation until application shall be made for the insurance of forty thousand dollars at least.

SEC. 29. *Be it further enacted*, That this act shall take effect and be in force from and after its passage

SEC. 30. *Be it further enacted*, That John S. Van Gilder, Francis McClung, Joseph A. Mabry, Joseph H. Walker, Columbus Powell, Thomas G. Rawlings, Wm. B. Rogers, John Jackson, Sam B. Boyd, and William Francisco, and the subscribers to the stock of the company and their successors, shall be, and they are hereby

declared to be a body politic and corporate, by the name and style of the Union Insurance Company, of Knoxville, Tennessee, and by that name shall so continue forward during the full time of ninety-nine years, from and after the passage of this act, and be capable in law to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all courts of law or equity, or elsewhere, and to make and use a common seal, and use the same to alter or renew at their pleasure, and generally to do and perform all things relative to the objects of this institution, which now is or shall be lawful for any individual or body politic or corporate to do.

SEC. 31. *Be it enacted*, That the capital stock of this company shall be one hundred thousand dollars, to be increased at the pleasure of the stockholders to two hundred thousand dollars, divided into shares of one hundred dollars each; ten dollars shall be paid on each share at the time of subscribing, and ten dollars on each share shall at the same time and place be secured by negotiable notes, with security, to be approved by the president and directors and company of said "Union Insurance Company;" the balance of said stock shall be secured by notes not having more than twelve months to run, with personal security, to be approved by the president and directors, or by pledge of bank stocks, State bonds or county bonds, or mortgages upon real estate, to the satisfaction of the president and directors aforesaid, and the endorsers of said stock notes shall have a lien upon the stock for which said notes were given to secure them against loss by reason of their endorsements; and should it at any time be deemed advisable to increase said capital stock by said corporation; the directors may open said books, and the stock may be taken and subscribed for, and be paid up on the same conditions and restrictions as the first subscription of said capital stock.

SEC. 32. *Be it enacted*, That as soon as two hundred and fifty shares are subscribed for and paid, or secured to be paid, the company shall be competent to transact all kinds of business for which it is established; and it shall be lawful for the stockholders to meet as hereinafter directed, and choose their directors by ballot, and a plurality of votes given shall elect, and the persons so elected, shall, at their first meeting elect one of themselves president of the board, who, with the said directors, and any three incorporators may open said books for subscription to said stock.

SEC. 33. *Be it enacted*, That the real and personal estate, business, property and funds of said company, and

the administration of its affairs shall be under the direction, management and control of a board of not less than seven directors, nor more than fifteen, each of whom shall be owners in their own names of not less than ten shares of the capital stock of said company, citizens of the United States, and of this State.

SEC. 34. *Be it enacted,* That an election shall be held after the first election for the election of the board of directors for said company, at the office of said company, in the city of Knoxville, on the first Monday in February, in each and every year, of which ten days' notice shall be given in one newspaper published in said city, each shareholder giving one vote for each share of which he or she may be the owner, and the persons so elected shall serve as directors for the next twelve months, and until another board is elected; and if at any time an election shall not be held as herein provided, the said company shall not be dissolved, but the board of directors for the time being shall serve until another election takes place, which may be at any time thereafter, the board for the time being giving at least ten days notice in some paper published in Knoxville; and the said directors are hereby authorized to fill any vacancy which may happen through death, resignation or other cause.

SEC. 35. *Be it enacted,* That the directors so elected shall elect one of their body president of said company, who shall serve until the next annual election, and in case of his death, resignation or removal, the board shall appoint a president *pro tempore*; they shall fill all vacancies which may occur in their own body, and shall appoint a secretary and all subordinate officers, clerks, servants, and agents of said corporation, fix their compensation, and define their powers, and prescribe their duties; who shall hold their office during the pleasure of the board.

SEC. 36. *Be it enacted,* That the president, with three directors, or four directors, in the absence of the president, shall have full power and authority in the name of said corporation to insure upon all and every description of property hereinafter mentioned, and may receive for the amount of premium such security, and payable at such times as they may deem satisfactory and in conformity with the regulations which may be from time to time established by the board.

SEC. 37. *Be it enacted,* That the stock of said company shall be held and considered personal property, and shall be transferable according to the by-laws, rules and regulations prescribed by the directors.

Sec. 38. *Be it enacted,* That the said corporation is hereby authorized and empowered to hold, possess and acquire, and the same to sell and convey all such real estate as shall be necessary for the transaction of its business, or which may be conveyed to said company for the security of any debt that may become due or owing, in satisfaction of any judgment or decree rendered in favor of said company, and may make such regulations as shall be necessary and proper for the good government of said company.

SEC. 39. *Be it enacted,* That the said Union Insurance Company shall have full power and authority to make insurance upon ships and all other kinds of sea-going vessels; and upon steamboats, flatboats, and all other kind of river boats; upon freight, seamen's wages, on all kinds of wares and merchandise, either by sea, land, river, or lakes; and on gold and silver bullion or money, against all marauding, risk, or risks of the rivers or lakes, or upon houses, stores, factories, and all other kind of buildings; and upon goods, wares and merchandise, furniture and other articles, against fire and upon bottomry and *responsionalia*, and to fix a premium thereon; and also upon the lives of slaves and the lives of whites; and all white persons' lives who may be insured by said company, whether for life or a shorter period, may insure their lives for the benefit of their wives or children, and said policies shall not be liable for their debts in such cases. But any person or persons who may insure their lives, may have said policies payable to themselves or any other person or persons; and the said company shall have power to make insurance on lives, and to make insurance on live stock, upon their lives in transit by railroad or steamboats or in buildings; and said company may receive and hold land under grants, with general or special covenants, so far as the same may be necessary for the transaction of their business; or when the same may be taken in payment of their debts, or purchased upon sale made by any law of this State, or any other State, so far as the same may be necessary to protect the rights of said company, and the same again to sell, convey and dispose of, and generally to do and perform all other things necessary to promote these objects.

SEC. 40. *Be it enacted,* That it shall be lawful for said company to invest any part of its capital stock, money, lands, or other property, in any other public stock or funded debt, created or to be created by or under any law of the United States, or this or any other State,

or in the stock of any chartered bank in this State or of the United States, or corporation, or county bonds, or railroad bonds endorsed by the State, and the same to sell or transfer at pleasure, and again to invest the same whenever and so often as the exigencies of said company or a due regard for the safety of its funds may require; or they may loan the same, or any part thereof, to individuals or public corporations, on real or personal security, for such periods of time as the directors for the time being shall deem prudent and best for the interest of said company, and at such rates of interest as may be agreed upon between the parties, consistent with existing laws of the State.

SEC. 41. *Be it enacted,* That during the months of January and July of each year, half-yearly statements shall be made of the situation of the capital and of the state of accounts of the company which shall be laid before the stockholders; and such dividends of the profits may be made as the president and directors may think advisable, but they shall in no case diminish the capital stock.

SEC. 42. *Be it enacted,* That if, at any time, a stockholder shall fail to pay such instalments on his stock as may be called for at the time and in the manner prescribed, the board of directors for the time being shall have full power to declare such stock forfeited; and shall, after giving ten days notice thereof, offer the same for sale at public auction to the highest bidder for cash, and the number of shares so sold shall be transferred by the president of the board of directors to the highest bidder, who shall, by virtue of such transfer, become a member of said company; and if the sum bid be not equal to the amount paid, and the call for which it is sold, the company may proceed to collect the residue from the original stockholder by suit, in any court or tribunal in this State having jurisdiction thereof.

SEC. 43. *Be it enacted,* That the board of directors shall have power at any time, when, in their opinion, the interest of the company requires it, to demand of any stockholder additional security for such part of his stock as may remain unpaid, and said company shall have a lien on said stock until it is all paid up in full; and if any such stockholder shall fail or refuse to give such additional or other security, to the satisfaction of the board of directors, they may declare such stock forfeited, and sell the same as provided for in the preceding section.

SEC. 44. *Be it enacted,* That said company may insure property on the mutual principle, either fire, life, or ma-

ine insurance, by issuing policies from one year to ten years, or for life, on such conditions and terms as their by-laws may regulate; and may receive therefor a part of the premium in notes of the parties insured, and said notes shall be liable for the losses in each separate department, as said by-laws may direct, and said notes shall be subject to assessment in whole or in part; and if any person refuse to pay said notes, or calls on said notes, after they have been published in one newspaper published in Knoxville, then said policies shall become null and void, and said notes shall be collected against said parties by any officer having jurisdiction over the same in said mutual department. Dwellings and farm property shall be one class, and liable for its own losses; and life insurance shall be another class in the mutual department: *Provided*, Said parties may desire to insure their lives in the mutual department, or they may insure in the stock department.

SEC. 45. *Be it enacted*, That said company may act under power of attorney, as agents for any other insurance companies, and to reinsure and insure therein such property as the said corporation, take risks upon and to transact any other business with said companies not contrary to the true intent and meaning of this act. And said company may establish agencies anywhere in this State, or in the United States or territories, and transact the business of general insurance, and said company may sell the exchange remitted and received by said agents, for premiums, or in its legitimate insurance business.

SEC. 46. *Be it enacted*, That no stockholder or member of this company shall be answerable in his person or individual property for any contract or agreement of said company, or for any losses, deficiencies, or failures of the capital stock of this company; but the whole of the said capital stock, together with all property, rights and credits belonging thereto, and nothing else, shall be at any time answerable for the demands against said company: *Provided*, That any director or directors who shall sanction or aid in the continuance of the business of said company after it shall become insolvent, and said fact known positively to said directors, then, and then only for the amount premiums received.

SEC. 47. *Be it enacted*, That said company may increase its capital stock to five hundred thousand dollars, and insure any personal property not named in said act.

SEC. 48. *Be it enacted*, That said Union Insurance Company hereby created, shall have all the rights and

privileges, that belong by the existing laws to the other insurance companies of the State, and the president and secretary shall be exempt from serving on juries.

Energetic Insurance Co., of Nashville.

SEC. 49. *Be it further enacted*, That Joseph Nash, L. H. Lanier, A. J. McWherter, S. P. Carrick, A. Hamilton, John A. Fisher, and such other persons as may hereafter be duly associated with them, their successors and assigns forever, be, and they are hereby constituted a body politic and corporate, by the name of the Energetic Insurance Company of Nashville, and by that name shall be, and are hereby empowered to make insurance against loss or damage by fire, on all kinds of real, mixed or personal property; and are also authorized to insure on vessels of all descriptions, upon freights, seamen's wages, upon bottomry and respondentia, and on all kinds of goods and merchandize, gold and silver, bullion or money, against marine disasters and all the hazards of inland navigation and transportation; and, generally, to make insurance upon every species of property, pursuit or business in the pursuit and prosecution of which there is any loss or risk, and also to make insurance on lives of whatsoever sort or nature; to contract for, grant and sell annuities and reversionary payments; to take, receive and hold all estates and property, real and personal, which may be granted, committed, transferred or conveyed to them, with their consent, upon any trust or trusts whatsoever, at any time or times, by any person or persons, body or bodies corporate, or by any court of the United States, or of the State of Tennessee; and to administer, discharge and fulfil the duties of such trusts; and to make, execute and perfect such contracts, bargains, agreements, policies and other instruments as shall or may be necessary, and as the nature of the case may require; to purchase, receive, hold, possess and enjoy to themselves and their successors, lands, tenements and hereditaments, goods, chattels, stocks, choses in actions, real and personal estate of every description; and also to sell, convey, grant alien and dispose of the same; and generally to do and perform all acts, and enjoy all the privileges incident to a corporation: *Provided always*, That the said company shall emit no bills for circulation as money.

SEC. 50. *Be it further enacted*; That the capital stock of said company shall not be less than one hundred thousand dollars, and may be at any time hereafter increased, at the pleasure of the company, to any sum not exceeding five hundred thousand dollars; and shall be divided into shares of one hundred dollars each; and

each subscriber to said capital stock, shall pay into the treasury of said corporation, when it shall have been organized as hereinafter set forth, an instalment of ten dollars on each share of stock by him subscribed, and shall, within sixty days after the time of organization of the company, secure the payment of the remaining ninety dollars on each share so subscribed by him, either by mortgage or mortgages of real estate, or by endorsed promissory notes, approved by the directors; and said notes shall, in all cases, be payable within thirty days after a demand by order of said company; or each subscriber shall pay the remaining ninety dollars in regular instalments at stated periods, if thereto required by the directors in and by a call in meeting or published in a Nashville newspaper.

SEC. 51. *Be it further enacted*, That the affairs of said company shall be managed by a board of not less than five nor more than fifteen directors, a majority of whom shall be citizens of the United States, who shall be chosen by ballot solely, from among the stockholders, which choice shall be made by a majority of voters present; and said directors shall hold office for one year, or until others are chosen in their place; and the annual meetings for the choice of said directors, shall be holden in the city of Nashville, on the first Wednesday of such month in each year as the directors may, by by-laws enact, or within one month thereafter, as shall be appointed by said board of directors. Directors.

SEC. 52. *Be it further enacted*, That the directors shall determine how many of their number shall constitute a quorum for the transaction of business, and may fill any vacancy which may occur in their board between the annual meetings of the stockholders, by choosing a director or directors from among the stockholders, who shall continue in office until a successor or successors shall be chosen, and the directors shall elect one of their number to be president of said company, who shall receive such salary or compensation as a majority of such directors shall determine; and the directors may elect another from their own body who shall preside at the meetings of the directors during the absence of the president; and the said directors shall have power to establish such agencies of the company in this State and elsewhere, and appoint such secretaries, agents, clerks and other officers as they shall deem necessary and convenient; and also to perform such other acts and exercise such other powers, as they shall deem expedient for the well ordering of the affairs of said company; and no director except the

president shall be entitled to any salary unless by vote of the stockholders in general meeting.

SEC. 53. *Be it further enacted*, That the president shall have power at any time to call a special meeting of the stockholders; and it shall be his duty to call such meeting when thereto requested by the holders of one-fourth of the subscribed stock; and public notice of such meeting, at the request of said holders of one-fourth of the stock, shall be given at least two weeks previous to the meeting by advertising in a newspaper published in the city of Nashville; and all questions at any meeting of stockholders shall be determined by a majority of the votes cast and rated as hereinafter provided.

SEC. 54. *Be it further enacted*, That the capital stock of said corporation shall be transferrable according to the rules and regulations prescribed by the directors; and every subscriber to the capital stock of said company who shall neglect to pay the installments aforesaid, or secure, in the manner aforesaid, the residue of each share by him subscribed, shall forfeit to the said company, his share or shares, and all payments made thereon, and all profits that may have accrued thereon.

SEC. 55. *Be it further enacted*, That the persons named in the first section of this act, or a majority of them, are hereby authorized to call a meeting of the persons hereby incorporated, to be holden in the city of Nashville, at such time as they may appoint, which meeting may be organized by a moderator, when books may be opened, and kept open from day to day, and time to time, for subscriptions to the capital stock of the company; and said meeting may be adjourned from time to time until said corporation shall be organized agreeably to the charter; the stock shall be taken up to the amount of one hundred thousand dollars, before directors shall be chosen, and before said corporation shall make any assurance; and as soon as the installments aforesaid, shall have been paid and the remainder of the stock secured agreeably to the provisions aforesaid, and the whole done to the satisfaction of the directors, the company may commence business.

SEC. 56. *Be it further enacted*, That should there be more than one hundred thousand dollars of the capital stock of the company hereby incorporated, subscribed for at the meetings above provided for, to be held by the persons incorporated, or a majority of them, then the capital stock of the company shall be fixed at the amount subscribed, until it shall be increased still further as provided in section —, of this act; and should it, at any

time thereafter, be deemed best by the said corporation to increase the said stock to a still larger amount, as further provided in section two of the act, then a new subscription shall be opened by the directors of said corporation.

Sec. 57. *Be it further enacted*, That in the election of directors of said company, the stockholders shall be entitled to the following number of votes, to-wit: For two shares, one vote; for six shares, two votes; for ten shares, three votes; for sixteen shares, four votes; for twenty-four shares, five votes; for fifty shares, six votes; for seventy-five shares, seven votes; for one hundred shares and upwards, eight votes; absent stockholders may be represented by proxy; the above rules shall also apply to all voting by the stockholders. Votes.

Sec. 58. *Be it further enacted*, That the directors of said company, shall, annually or semi-annually, declare and divide so much of the profits of said company as to them shall appear advisable, first deducting all losses and expenses, as well as what may be deemed a sufficient amount to re-insure its unexpired risks, and pay the said dividend to the respective stockholders or to the agents duly empowered to receive the same; but, if any loss shall happen whereby the capital stock of the said company shall be lessened, no subsequent dividend shall be made, until a sum equal to such diminution shall have been added to the capital stock; and, if the directors shall, knowingly, make a dividend or dividends contrary to the true intent and meaning of the prohibition herein contained, such of them as shall consent thereto, shall, in their individual capacity, be accountable for, and pay over to the said company, for the use thereof, as much money as they may so divide and pay more than by this act they are authorized to do; and each director or officer at the time of making such dividend hereby prohibited, shall be deemed as consenting thereto, unless he or they shall, at the time of making and declaring the same, be absent from the meeting of the board of directors, or, if present, shall immediately enter his or their protest or protests, on the minutes of the board. Dividends.

Sec. 59. *Be it further enacted*, That the persons named in the forty-ninth section of this act, or a majority of them, shall determine how many directors shall be chosen, in the first instance, to serve until the termination of the first year of the company, or until others shall be chosen in their stead by the stockholders; after which time the board of directors in office shall declare what number of persons shall constitute the board for the succeeding year.

Bonus.

SEC. 60. *Be it further enacted,* That the said company shall pay to the State an annual tax or bonus of one-fourth of one per cent. on each share of the capital stock subscribed, which shall be in lieu of all other taxes.

National Insurance Co.

SEC. 61. *Be it further enacted,* That W. O. Nixon, Wm. Booker, R. Y. Longley, N. Greenswald, and Geo. Bennett, and their associates, are hereby incorporated a body politic and corporate, by the name and style of the National Insurance Company, of Tennessee, to be located in the town of Brownsville, Tennessee, with all the rights, powers and privileges and restrictions conferred and imposed upon the Energetic Insurance Company, of Nashville, chartered by this act.

Chickasaw Fire and Marine Insurance Co.

SEC. 62. *Be it further enacted,* That J. W. Crocker, J. R. S. Gilliland, J. J. Wicks, Leon. Trousdale, John B. Robinson, Jesse Tate, and their associates and successors be, and they are hereby incorporated and made a body politic and corporate, by the name and style of the Chickasaw Fire and Marine Insurance Company of Memphis, and in this name may sue and be sued, have a corporate seal, which they may alter and renew at pleasure, and shall have and possess all the powers, privileges and immunities, and be subject to all the pains, penalties, and forfeitures, contained in the act to incorporate the Middle Tennessee Insurance Company, of Lebanon.

SEC. 63. *Be it further enacted,* That the capital stock of said company shall be two hundred thousand dollars, to be increased to five hundred thousand dollars, if a majority of the stockholders shall deem it expedient; capital to be divided into shares of one hundred dollars each.

Southern Insurance Co.

SEC. 64. *Be it further enacted,* That W. B. Miller, C. H. Williams, R. E. Chew, W. B. Ross, and Henry Laird, and their associates, are hereby incorporated and made a body politic and corporate, by the name and style of Southern Insurance Company, to be located in the city of Memphis, Tennessee, with all the rights, powers and privileges, and restrictions conferred upon the Middle Tennessee Insurance Company.

Carolina Insurance Co.

SEC. 65. *Be it further enacted,* That William R. Hunt, J. D. Williams, William Joyner, James H. Edmondson, and R. A. Moon, and their associates and successors, be, and they are hereby created a body politic and corporate by the name and style of the "Carolina Insurance Company" of Memphis, with all the rights and privileges, and subject to all the restrictions of the foregoing act.

SEC. 66. *Be it further enacted*, That Albert G. Graham, Wm. H. Crouch, Zac. S. Brown, John M. Hoss, Daniel Kenny, and their associates, are hereby incorporated under the name and style of the Jonesboro' Insurance Company, and shall have all the powers and privileges, and be governed by all the rules and regulations, and restrictions mentioned in the foregoing act. Jonesboro' Insurance Co.

SEC. 67. *Be it further enacted*, That each of the companies chartered by this act shall pay an annual tax State tax. of one-half of one per cent. on its capital into the treasury for the use and benefit of the State.

SEC. 68. *Be it further enacted*, That nothing in this act shall be construed so as to confer banking or brokerage privileges of any kind whatever upon the companies hereby chartered.

SEC. 69. *Be it further enacted*, That the companies herein chartered shall be subject to such general laws as the Legislature may from time to time enact touching insurance companies.

SEC. 70. *Be it further enacted*, That all insurance companies, whether chartered by the Legislature of Tennessee or any other State, be required to deposit with the Comptroller of this State, twenty thousand dollars of six per cent bonds of the State of Tennessee, as security for risks taken by the citizens of this State; and if any insurance company in this State, or the agent of any insurance company of any other State, shall take risks without first making such deposit, the person so offending shall be guilty of a misdemeanor for each risk, and be fined not less than one hundred dollars for each offence. To deposit Bonds with Comptroller.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 24, 1860.

CHAPTER 216.

AN ACT to incorporate the Mechanics' and Traders' Bank, of Nashville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Alexander Allison, Anthony W. Vanleer, James Johnson, William F. Cooper, Joseph W. Allen, G. W. Cunningham, Edwin H. Ewing, Emmett Eakin, and the subscribers to the stock of the bank and their successors shall be, and they are hereby declared a body politic and corporate, by the name and style of "The Mechanics' and Traders' Bank," to be located at Nashville, Tennessee, and by that name shall so continue until the first day of May, eighteen hundred and seventy-five; that they shall have all the powers and privileges as a bank of issue and discount, deposit and exchange, which are conferred by the act passed 6th February, 1860, entitled, "an act to reform and regulate the business of banking in Tennessee," and be subject to all the restrictions and liabilities in said act contained, or which belong to such corporation by general laws; and be capable in law to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all courts of law and equity or elsewhere; to make and use a common seal, and the same to alter or renew at their pleasure, and generally to do and execute all acts, matters and things which a corporation or body politic in law may or can lawfully execute.

Capital Stock.

SEC. 2. *Be it further enacted,* That the capital stock of said Mechanics' and Traders' Bank shall be three hundred thousand dollars, to be increased at the pleasure of the stockholders, to two million dollars, divided into shares of one hundred dollars each; ten dollars shall be paid on each share in coin, at the time of subscribing, and the balance of ninety dollars on each share shall be paid in, in coin at such times as the directors shall prescribe; but said bank shall not commence the business of banking until the sum of three hundred thousand dollars has been actually paid in, in coin, and whenever the capital stock of said bank is increased, said increased amount of stock shall also be paid in, in coin.

Directors.

SEC. 3. *Be it further enacted,* That so soon as three thousand shares of the capital stock of said bank are subscribed for, and the ten per cent. paid in coin as provided in section 2, it shall be competent for the stockholders to meet together, either in person or by

proxy, and elect a board of six directors, who shall serve as such until the first Monday in May, 1861, at which time, and on the first Monday in May annually thereafter, an election for directors shall be held in the same manner, who shall serve for one year or until their successors are elected.

SEC. 4. *Be it further enacted,* That the directors so elected shall elect a president and cashier from their own body, who shall serve until the next annual election, and in case of the death, resignation, or removal of either, the board shall fill the vacancy, and said board of directors shall have the power to appoint such other officers, servants and clerks under them as shall be necessary for executing and transacting the business of said bank, and may take bonds from any of their officers, agents or clerks in such penalties, and subject to such conditions, as they may prescribe, for the discharge of duty and the safety of the institution; and shall be capable of exercising all such other powers and authorities for the well-governing and ordering the affairs of said corporation, as shall be prescribed and provided by the by laws, regulations and ordinances of the same; but said by-laws, regulations and ordinances before going into effect must be approved by the holders of three fourths of the stock of the bank; and they shall not be altered or amended, except by the unanimous consent of the board of directors at a full meeting, after at least thirty days' notice has been given to each director.

SEC. 5. *Be it further enacted,* That at all elections of directors, or other stockholders' meetings, the holders of one or more shares of stock not more than ten, shall be entitled to one vote, and the holder of more than ten shares shall be entitled to one vote for every ten shares or fraction of ten.

SEC. 6. *Be it further enacted,* That all bills, bonds, notes, and every contract or agreement on behalf of the corporation shall be signed by the president and countersigned by the cashier; and the funds of the corporation shall not be held responsible for the same unless so executed.

SEC. 7. *Be it further enacted,* That after organization, before the right to do business under this charter shall be lawful, and as a condition precedent, the president, cashier, and directors shall jointly make and subscribe an affidavit, stating that the sum of three hundred thousand dollars has been subscribed in good faith, and has been actually and in good faith paid into said bank, in gold or silver coin of the United States, and is in the

Affidavit to be made.

actual possession⁶ and under the entire control of said bank, and will be kept and used only in legitimate banking business under its charter.

SEC. 8. *Be it further enacted*, That on the increase of the capital stock, the president and cashier and directors shall jointly make and subscribe an affidavit stating the amount of the increase, and that said sum has been actually and in good faith paid into said bank, in gold or silver coin of the United States, and is in the actual possession and under the entire control of said bank, and will be kept and used only in the legitimate banking business, under its charter; and a failure to comply with the seventh and eighth sections of this act or either of them, shall render this charter utterly void.

**Affidavit to be
filed in Secretary
of State's office.**

SEC. 9. *Be it further enacted*, That the affidavits herein mentioned shall be subscribed and sworn to before and in presence of the County Court Judge of Davidson county, or the Supervisor of Banks, who shall certify to the same under his hand, and deposit the said affidavit so subscribed in the office of the Secretary of State, there to be filed and safely kept.

SEC. 10. *Be it further enacted*, That the president, cashier and directors shall also before and in the presence of said Judge or Supervisor of Banks, take and subscribe to an oath to observe and comply with all the provisions of this act, and the law to regulate banking, passed 6th February, 1860, and faithfully and to the best of their skill and ability, to perform their several and respective duties.

SEC. 11. *Be it further enacted*, That after each annual election as herein provided for, the president and cashier and directors, shall jointly take and subscribe the oath prescribed in section 10, to be administered by said Judge or Supervisor of Banks, or a Justice of the Peace, the penalty for the omission of which shall be a fine of five hundred dollars; recoverable against each of said persons, in the name of the State of Tennessee for the use of common schools, and on recovery to be paid into the school fund.

SEC. 12. *Be it further enacted*, That the persons in this charter named, be allowed twelve months from the passage of this act to accept this charter and organize said company; and if they accept the same, shall within said twelve months, file their written acceptance under their signatures in the office of the Secretary of State, or otherwise this charter shall be void.

Sec. 13. *Be it further enacted,* That this charter shall not be transferable, and any transfer or attempt to transfer the same shall render it utterly void.

Sec. 14. *Be it further enacted,* That a Branch Bank of this corporation is located at Columbia, Tennessee, and that said corporation be empowered to establish the same.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Passed, March 24, 1860.



RESOLUTIONS.

NUMBER 1.

WHEREAS, Among the soldiers of the War of 1812, who still survive, many are in indigent circumstances, and unable from age and infirmity to earn a living: And whereas, It is a just principle in a free government, that those who defend the country in a great and perilous struggle, should not only be fairly compensated, but liberally rewarded, and especially preserved from want: Therefore,

Resolved, by the General Assembly of the State of Tennessee, That our Senators and Representatives in Congress be, and they are hereby most respectfully requested and urged to use their aid and influence in the passage of a law appropriating to each soldier of the War of 1812, with Great Britain, and all the Indian Wars of that date, who served as long as three months, six hundred and forty acres of land, to be located in any part of the public domain not otherwise appropriated, or a full pay pension of five years instead thereof, at the option of the soldier.

Resolved, That the benefits of such law should apply to the widow and minor children of such soldiers, who still survive, in such proportion as a sound discretion may dictate.

Resolved, That a copy of this Preamble and Resolutions be forwarded by the Governor to each of our Senators and Representatives in Congress.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Adopted, November 2, 1859.

NUMBER 2.

Be it resolved by the General Assembly of the State of Tennessee, That the Comptroller is hereby authorized to issue his warrant upon the Treasury to W. H. Horn, to pay the musicians attending the Inauguration ceremony.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Adopted, November 12, 1859.

NUMBER 3.

WHEREAS, The question of what shall be done in relation to the banks, is one of vital importance to all the great interests of the State, is the great question of the present Legislature, and one to be properly acted upon should be fully understood and acted on with great caution, and with all information to be derived from every source: Be it therefore,

Resolved by the General Assembly of the State of Tennessee, That the Committees on Banks in the two Houses be instructed to take into consideration this question, that they investigate the subject of the propriety and necessity of chartering and re-chartering banks at the present session; as to what are proper restrictions to make a sound and convertible paper currency; as to the number and character of banks for which charters should be granted and with what restrictions capitalists can safely and will likely take the stock under such charters; and with what restrictions the note holder will be protected from over issue and losses; and for the purpose of arriving at this, they examine such testimony as they may deem most satisfactory, and that they report to this General Assembly as early as practicable, by bill or otherwise.

Be it further resolved, That said committee examine and report the amount of the present capital of the State Bank and Branches; the propriety of continuing the State Bank, and if the true interests of the State Bank requires any legislation at the present session, and

if so, what legislation, and that they report by bill or otherwise.

W. C. WHITTHORNE.

Speaker of the House of Representatives.

TAZ. W. NEWMAN.

Speaker of the Senate.

Adopted, November 21, 1859.

NUMBER 4.

Joint Resolution directory to the agent of Penitentiary.

Resolved, by the Senate and House of Representatives,
That the agent of the Penitentiary furnish to the two houses of the General Assembly, a written statement of what will be the probable cost of enclosing all the prison grounds, also the cost of erecting a suitable sales-house, for the sale of all manufactured articles; also the cost of erecting such other shops as may be necessary for the use of the Institution, and what portion of this labor can be performed by the convicts; and also the cost of a hospital building adequate to the requirements of said Penitentiary, and the amount that will be required to be paid out of the treasury for the same.

W. C. WHITTHORNE,

• *Speaker of the House of Representatives.*

TAZ. W. NEWMAN,

Speaker of the Senate.

Adopted, November 28, 1859.

NUMBER 5.

WHEREAS, A most dangerous epoch has arisen, in the history of our country, based upon the fanatical aggressions of Northern Black Republicans on the reserved rights of the States and the Institutions of the South, seeking to abolish slavery by preventing the extension into common territory, and rendering it insecure and hazardous in our midst. *And whereas,* in the recent insurrection at Harper's Ferry as well as in the revolution-

any scenes in Kansas, we recognize the legitimate fruits of that treasonable policy avowed by the acknowledged head of the Black Republican party. Wm. H. Seward, in his famous Rochester speech, in which he said: "*These antagonistic systems (free and slave labor) are continually coming into closer contact, and collision results. Shall I tell you what that collision means? They who think that it is accidental, unnecessary, the work of interested or fanatical agitators, and therefore ephemeral, mistake the case altogether. It is an irrepressible conflict between opposing and enduring forces, and it means that the United States must and will, sooner or later, become either entirely a slaveholding nation, or entirely a free-labor nation. Either the cotton and rice fields of South Carolina, and the sugar plantations of Louisiana will ultimately be tilled by free labor, and Charleston and New Orleans become marts for legitimate merchandise alone, or else the rye fields and wheat fields of Massachusetts and New York must again be surrendered by their farmers to slave culture, and to the production of slaves, and Boston and New York become once more markets for trade in the bodies and souls of men. It is the failure to apprehend this great truth, that induces so many unsuccessful attempts at final compromise between the slave and the free States. and it is the existence of this great fact, that renders all such pretended compromises, when made, vain and ephemeral.*" And *whereas*, Henry Wilson, another Black Republican Senator from Massachusetts, has declared: "Let us remember, that more than three millions of bondmen, groaning under nameless woes, demand that we shall reprove each other, and that we labor for their deliverance. I tell you here to-night, that the agitation of the question of human slavery will continue while the foot of a slave presses the soil of the American Republic." And Mr. Wade another Black Republican Senator from Ohio, has said: "There is really no union now between the North and South, and he believed no two nations upon the earth entertained feelings of more bitter rancor towards each other than these two nations of the Republic.. The only salvation of the Union, therefore, was to be found in divesting it entirely from all taint of slavery." And *whereas*, Senator Seward, addressing Southern Senators from his place in that body, has boldly proclaimed to the world, that—"At last a new voice issues from your own region, from the South, from the slave States, and protests against your further persistence in this mad enterprise of extending slavery, and admonishes you, that it must end and will fail. The

cohorts are gathering from the South, the men of moderation and conservation, who, as they have heretofore moderated in favor of slavery and against freedom, will now be obliged, in consistency with their just and well-established character, and their habitual patriotism, to moderate against you in favor of freedom, and rise up unanimously against slavery. And again, at Rome, in New York: "It will be the show of the next two years, to witness the organization of this same Republican party within slave States, under the lead of brave and true men, such as Frank P. Blair, of Missouri, and Cassius M. Clay, of Kentucky. What remains of organization as a national party to be effected, is as sure and certain as what has already occurred, and is now so distinctly seen."

Therefore, Resolved by the General Assembly of the State of Tennessee, That we recognize in the recent outbreak at Harper's Ferry, the natural prints of this treasonable "*irrepressible conflict*" doctrine, put forth by the great head of the Black Republican party, and echoed by his subordinates; and that it becomes the imperative duty of national men of all parties throughout the Union, to announce to the world their sense of its infamy, and to unite in crushing out its authors as traitors to their country, and as deadly enemies to the public peace, the rights of the States, and the preservation of our Republican Institutions.

Resolved, That we record it as the sense of the Tennessee Legislature, that the declarations of Mr. Seward, that a respectable portion of the Southern people, under the head of such men as Cassius M. Clay and Francis P. Blair, will unite with the Black Republican party to prevent the extension of slavery, and will eventually "rise up against slavery" as a libel upon the honor and loyalty of the Southern people, and will but serve to make them more watchful and exacting of their public servants in the National Councils.

Resolved, That it is the duty of our Representatives in Congress to recognize as enemies to the Union, and especially to the slave States, all who in any way favor or affiliate with this sectional Black Republican party; and that any action on their part which favors a co-operation with the Black Republicans in organizing the House, and thus placing the offices and important committees of that body under their control, would be false to the sentiment of the people of Tennessee, an insult to their constituents, and disgraceful to themselves.

Resolved, That we acknowledge our appreciation of

the promptness with which the National Administration took steps to check the recent conspiracy before it obtained the huge dimensions of a revolution.

Resolved, That our Senators and Representatives in Congress be furnished with a copy of these resolutions.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Adopted, December 2, 1859.

NUMBER 6.

WHEREAS, It has heretofore been a custom of a large portion of the members of the Legislature of Tennessee to visit their homes during the christmas holidays, so as not to leave a quorum, or members sufficient to transact business. Therefore,

Be it resolved by the General Assembly of the State of Tennessee, That the present General Assembly adjourn on Wednesday, the 21st of December, to Monday, the 2d day of January, 1860.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Adopted, December 7, 1859.

NUMBER 7.

Joint resolution granting the use of the halls of the Capitol to the National Typographical Union.

Resolved by the General Assembly of the State of Tennessee, That the use of the halls of the capitol be granted to the "National Typographical Union," which is to meet in this city in the month of May, 1860.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Adopted, December 18, 1859.

NUMBER 8.

Be it resolved by the General Assembly of the State of Tennessee, That joint resolutions No. 13, adopted 5th of March, 1858, for the relief of Larkin Carden, be so amended that the Hon. Geo. Brown, judge, &c., be appointed commissioner in lieu of the Hon. Judge Welcker, who has deceased since the adoption of the resolution.

W. C. WHITTHORNE,
Speaker of the House of Representatives.
 TAZ. W. NEWMAN,
Speaker of the Senate.

Adopted, December 16, 1859.

NUMBER 9.

WHEREAS, The president and directors of the Planters Bank of Tennessee, acting for its stockholders, whose views and interests they represent, and the directors and officers of the Union Bank of the State of Tennessee, in their own behalf and that of the other stockholders, have memorialized the General Assembly of the State of Tennessee, praying that their charters may be extended and continued for the period of twenty years from the first day of January, 1868. *And, whereas,* It is important that we should know to whom it is proposed to grant these extraordinary privileges, their character, means, and identity of interest and feelings with the people of the State of Tennessee. Therefore,

Be it resolved by the General Assembly of the State of Tennessee, That the president and directors of the Planters Bank of Tennessee, and the directors and officers of the Union Bank of the State of Tennessee, furnish to this General Assembly the names of their stockholders, their places of residence, and the amount of stock owned by each.

W. C. WHITTHORNE,
Speaker of the House of Representatives.
 TAZ. W. NEWMAN,
Speaker of the Senate.

Adopted, December 16, 1859.

NUMBER 10.

Joint resolution to provide for the appointment of a joint select committee on Governor's Message, and the report of the Boundary Line Commissioners between Kentucky and Tennessee.

Resolved by the General Assembly of the State of Tennessee, That the Message of Governor Isham G. Harris, with the report of the Boundary Line Commissioners between Kentucky and Tennessee, be referred to a joint select committee, two to be appointed on the part of the Senate, and such number as the House of Representatives may designate, which committee shall take the same under consideration, and report the same to this General Assembly.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Adopted, December 17, 1859.

NUMBER 11.

Joint Resolution raising a Joint Committee to report resolutions in response to an invitation to attend a Union Festival at Louisville, Kentucky.

WHEREAS, An invitation has been received and transmitted to the Legislature of the State of Tennessee, by his Excellency Gov. Harris, from the authorities in the city of Louisville, in the State of Kentucky, to participate in a Union Festival, given by said city of Louisville; therefore, be it—

Resolved by the General Assembly of the State of Tennessee, That a joint select committee consisting of three on the part of the Senate, and five on the part of the House, be appointed to draft suitable resolutions in response to the generous and friendly sentiments expressed in said invitation, from the neighboring city of Louisville, to accept the same, and to appoint a suitable day for said festival.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Adopted, January 7, 1860.

NUMBER 12.

Joint Resolutions in response to the invitation of the city authorities of Louisville, to attend a Union Festival in that city on the 24th of January, 1860.

WHEREAS, An invitation has been extended to our Governor, Legislature, and the officers representing the various departments of State "by the citizens and General Council of the city of Louisville to a Union Festival tendered them in honor of the great State of Tennessee;" therefore, be it—

Resolved by the General Assembly of the State of Tennessee, That we hail the approaching Union Festival and the blending together the representatives of the two States as an augury of unfeigned amity, an earnest of mutual esteem, and a pledge of a common interest and a common fidelity.

Resolved, That two States so intimately blended together by geographical position, as are Kentucky and Tennessee, should ever be "bound together by love for each other and by a common love for the Union."

Resolved, That we most cordially reciprocate the wishes expressed by our fellow-citizens of Louisville, to strengthen the bonds of harmony and good will, and to perpetuate those kindly sentiments now clearly manifested.

Resolved, That we accept the invitation of our sister city and State to join them on that festive occasion, and appoint Tuesday, the 24th instant, as the day suitable for the purpose.

Resolved, That a copy of these resolutions be sent to the chairman of the Committee of Aldermen, and the chairman of the Common Council of Louisville.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Adopted, January 9, 1860.

NUMBER 13.

Resolution of Enquiry, requesting information of the President, Cashier and Clerk of the Branch Bank of Tennessee, at Sparta.

Resolved, That the President, Cashier and Clerk of the Branch Bank of Tennessee at Sparta, inform this Gen-

eral Assembly, and answer under oath the following interrogatories, viz :

1st. Let them state if the former cashier of said Branch Bank on settlement, was deficient, and failed to square his books by the sum of thirteen hundred and fifty dollars, or any other amount of money, and if the board of directors of said branch, by resolution, voted to said cashier said amount of moneys and released him from paying it.

2d. Let them state if there is any person now acting as director of said Branch Bank of Tennessee, who has been, or is now under protest longer than a director is allowed by the charter of said Bank of Tennessee, to remain under protest.

3d. Let them state if any persons have been appointed directors of said branch bank, who have not taken the oath of office, or acted as director, because they were under protest ; and thus has any county in said banking district been deprived of a legal and qualified director.

4th. Let them state if the president of the Branch Bank of Tennessee, has by any resolution or action of said directory, or any means, received more than one thousand dollars per annum for his services in relation to said branch bank, if so, for what services, and by what authority has he received more than a thousand dollars out of said bank.

5th. Let them state if at any time since 1st September, 1857, or at this time any part of the capital or assets of said branch bank has been retained and kept in the vaults, and under the control and management of the principal bank, and if so, were said assets so kept for a longer period than one month.

6th. Let them state if the president, or any director, has taken for collection and receipted for any bill of exchange, payable in Virginia, or elsewhere, for six thousand dollars, or any other amount belonging to said branch bank and has collected moneys on said bill of exchange and kept and used the same for the space of one month or longer, whether accounting to the branch bank for interest on the same or not.

7th. Let them state if any of the directors of said branch bank have, either directly or indirectly been indebted to the branch bank at any one time in exceeding the sum of one thousand dollars.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Adopted, January 19, 1860.

NUMBER 14.

Joint Resolution providing for a Joint Select Committee to investigate losses in the public revenue.

WHEREAS, It has been represented in the public prints that there has been irregularity in the payment of the public revenue by some of the collecting officers in East Tennessee, whereby the State Treasury has sustained a considerable loss ; *and, whereas*, there is now application to this General Assembly for relief from J. M. Nicholson, of Jefferson county, and perhaps others will apply for relief in a few days, therefore—

Resolved by the General Assembly of the State of Tennessee, That a Joint Select Committee of two on the part of the Senate, and three on the part of the House of Representatives, be appointed, whose duty it shall be to examine into and report to the present General Assembly all the facts in relation to this subject; and to enable the committee to discharge their duty, they are hereby authorized to send for persons and papers, examine witnesses under oath, and ascertain, if possible, how and by what means this defalcation and fraud has occurred.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Adopted, January 21, 1860.

NUMBER 15.

Joint Resolution to adjourn *sine die*.

Resolved, That the two Houses of the General Assembly of the State of Tennessee, will adjourn *sine die* on Monday, the 5th of March next, at 12 o'clock, M.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN

Speaker of the Senate.

Adopted, February 6, 1860.

NUMBER 16.

Joint Resolution in reference to the cession of a portion of Kentucky to Tennessee.

WHEREAS, There are, according to the manner in which the boundary line between Tennessee and Kentucky, as recently run by joint commissioners of the State of Tennessee and Kentucky, about twelve sections of land, belonging to Kentucky, lying between the north boundary line of Tennessee, and the Mississippi river, isolated from the territory of Kentucky.

And whereas, the inhabitants of said territory are desirous, on account of their location, of being annexed to Tennessee.

And whereas, it would be an important acquisition to Tennessee, geographically: Therefore,

Be it resolved by the General Assembly of the State of Tennessee, That this General Assembly appoint the Honorable Wm. C. Dunlap, commissioner to attend the present session of the Legislature of Kentucky, to negotiate for the cession to Tennessee, of the above mentioned territory, and that he report his acts and doings in the premises to the General Assembly for their ratification and confirmation.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Adopted, February 4, 1860.

NUMBER 17.

A Resolution for the relief of Joseph Divine, and Thomas Hensley.

WHEREAS, A judgment was heretofore obtained by the State of Tennessee, upon a forfeiture against Joseph Divine and Thomas Hensley, citizens of Monroe county, Tennessee, in the Circuit Court of the aforesaid county, at the ——— term of said court at Madisonville, as the securities of Wm. K. Morgan, for the sum of one thousand and five hundred dollars, from which judgment the said Divine and Hensley, prayed for, and obtained and prosecuted an appeal to the Supreme Court of Tennessee, held for the Eastern Division at Knoxville, which

judgment at ————— terms of said court was affirmed.

And whereas, It will work as a great hardship upon, and be an act of manifest injustice to said parties, that the full amount of said judgment should be paid, in as much as the defendants in said judgments, are now in indigent circumstances, having dependent upon them for support, large families whom it would completely impoverish, if the full amount of said judgment should be collected.

And whereas, The said Hensley and Divine have applied for relief to this General Assembly, praying that they may be released from the payment of the same, except so much as will pay all costs accruing heretofore, and interest on any moneys the State may have expended and paid out.

And whereas, This Assembly has not the facts fully presented before it, as will enable it to act in the premises with a proper regard for the rights and interests of the State, as well as to deal out even-handed justice to said parties, and in view of having the matter laid fully and fairly before the Assembly, it is: Therefore,

Resolved, That the Hon. George Brown, Judge &c., of the third Judicial Circuit, be, and he is hereby appointed a commissioner to hear proof and examine fully into the whole case, from its incipient stages to the final rendition of said judgment, and do all other things necessary to enable him to come to a full understanding of the whole matter, and that said commissioner be required thereupon to report the facts to the next General Assembly, as well as a written opinion, whether or not the rights of the State would be fully subserved and justice to the parties done, in releasing them from the payments of said judgment, except so much thereof, as will fully remunerate the State for all costs and damages that she may have sustained in any way whatever.

And, be it further resolved, That the sheriff or collecting officer into whose hands said judgment has, or may come for collection, is hereby required to suspend the collection of the same, until said report is made and acted upon by the General Assembly of this State.

Provided always, however, That such suspension of collection, nor any thing in the resolution contained, shall be held to, or so construed, as to destroy any lien that may have heretofore attached, or may hereafter attach, in favor of the State against any property

owned or held by the said Divine and Hensley, and that this resolution take effect from and after its passage.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Adopted, February 4, 1860.

NUMBER 18.

Joint Resolution authorising the Comptroller to issue his warrant to Wm. C. Dunlap.

Resolved by the General Assembly of the State of Tennessee, That the Comptroller of the treasury issue his warrant on the treasurer to Wm. C. Dunlap, for three hundred dollars, to pay his expenses as commissioner to negotiate with the Legislature of Kentucky for a portion of territory belonging to the State of Kentucky, and that he account to the treasurer for the same.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Adopted, February 7, 1860.

NUMBER 19,

Joint Resolution to provide for printing and distributing the Final Report of the State Geologist.

Resolved by the General Assembly of the State of Tennessee, That twenty-five hundred copies of the final Geological Report of the State Geologist, with the necessary illustrations and maps, be printed under the supervision of the State Geologist and Librarian, in a style similar and equal to the Kentucky Geological Report now in the State library.

Resolved, That five hundred copies of it be placed in the hands of the State Librarian, to be disposed of as follows: one hundred to be used for the purposes of exchanging with other States, fifty copies to the present

State Geologist, Professor Safford; fifty copies to be deposited in the State Library, and the remainder of the five hundred copies to be sold by the State Librarian, or his agents, at not less than one dollar per copy.

Resolved further, That of the number of copies ordered above, five hundred shall be for the use of the Senate, and fifteen hundred for the use of the House of Representatives; and the Secretary of State is hereby instructed to distribute said copies as soon as published, sending to each member of the General Assembly twenty copies; and the expense of carrying out this resolution shall be paid out of any money in the treasury not otherwise appropriated.

W. C. WHITTHORNE,
Speaker of the House of Representatives.

TAZ. W. NEWMAN,
Speaker of the Senate.

Adopted, February 7, 1860.

NUMBER 20.

Joint resolution to meet in convention to elect a Register and Entry Taker for the
Ocoee District.

Resolved by the General Assembly of the State of Tennessee, That the two Houses meet in convention in the hall of the House, on Friday next, 10th of February, at 12 o'clock, m., for the purpose of electing a Register and Entry Taker for the Ocoee District.

W. C. WHITTHORNE,
Speaker of the House of Representatives

TAZ. W. NEWMAN,
Speaker of the Senate.

Adopted, February 9, 1860.

NUMBER 21.

Joint resolution for the benefit of Mary Burelson.

WHEREAS, Isaac Burelson was, sometime in the years 1832 and 3, appointed Common School Commissioner in the county of Monroe, and State of Tennessee. *And, whereas*, One William Arnsworth took possession of a portion of the School lands of said county, and it became necessary to bring an action of ejectment to regain said land out of said trespasser. *And, whereas*, Said suit was brought and maintained by said Isaac Burelson, commissioner as aforesaid, in the Circuit Court of Monroe county, Tennessee. *And, whereas*, Said Burelson, of his own money, spent large sums in attorneys' fees, &c., in prosecuting said suit, and never was remunerated. *And whereas*, Said Burelson has since deceased, and his widow, Mary Burelson, has shown these facts by an accompanying affidavit: Therefore,

Be it resolved by the General Assembly of the State of Tennessee, That the Hon. George Brown, judge, &c., of the third Judicial Circuit of this State, be, and he is hereby appointed a commissioner to hear proof and take testimony in the case, and ascertain whether any moneys are due from the State to Mary Burelson, in right of her husband as Common School Commissioner; and that he report fully to the next General Assembly of this State his action in the premises. *And it is further resolved*, That a passage of this resolution by the General Assembly shall not be taken as a sanction of the justice of this claim; and that the Commissioner report whether the land was recovered.

W. C. WHITTHORNE,
Speaker of the House of Representatives.
 TAZ. W. NEWMAN,
Speaker of the Senate.

Adopted, February 9, 1860.

 NUMBER 22.

Resolved by the General Assembly of the State of Tennessee, That the Comptroller be authorized to issue his warrant forthwith to O. R. Watkins and Benjamin

Peoples for the amount of money this day appropriated by an act for the relief of the Kentucky and Tennessee State Line Commissioners.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Adopted, February 11, 1860.

NUMBER 23.

A resolution to print the report of the State Agricultural Bureau.

Resolved by the General Assembly of the State of Tennessee, That the Public Printer be directed to print and have bound, in pamphlet form, six thousand copies of the report of the State Agricultural Bureau of Tennessee; fifteen hundred copies to be retained by the Bureau for distribution among the county societies and the agricultural societies in other States; fifty copies in the offices of the Secretary of State and Librarian; and forty-five copies for each member of this General Assembly, to be sent to him with the Acts and Journals of this session of the General Assembly: Provided, Said report shall be so condensed by the secretary as to embrace not more than one hundred pages: Provided, further, That so much of said report as contains a list of premiums offered and awarded by the various agricultural societies shall not be printed in the copies hereby ordered for distribution, nor shall said list be printed in the Journal of the two Houses.

Be it further resolved, That the copies printed shall be distributed equally in the various counties in the State.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

B. L. STOVALL,

Speaker of the Senate.

Adopted, February 13, 1860.

NUMBER 24.

Joint resolution for the benefit of T. E. S. Russworm.

WHEREAS, Thomas E. S. Russworm, principal clerk of this House, was detained from his duties as such for a period of ten days, on account of the serious and fatal sickness of his father, and was granted leave of absence by the House; and, *whereas*, during said absence he employed John E. Helms to supply his place by and with the consent of the House, and it appearing that Mr. Russworm has paid said Helms the sum of sixty dollars out of his private means, when the same should have been paid by the State:

Therefore, be it resolved by the General Assembly of the State of Tennessee, That the Comptroller be, and he is hereby directed to issue his warrant upon the Treasury for said sum of sixty dollars, in favor of T. E. S. Russworm, the sum paid by him for extra clerk hire.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Adopted, February 16, 1860.

NUMBER 25.

Be it resolved by the General Assembly of the State of Tennessee, That we tender to the Legislature and State officers of Kentucky, and the city authorities of Louisville, and the citizens of Kentucky our warmest thanks for their cordial reception of the Legislature and citizens of Tennessee in their recent excursion to Louisville, Cincinnati, and Columbus.

Resolved, That we return our thanks to the Legislature and State officers of Ohio, the city authorities of Columbus, Cincinnati, Zenia, Dayton, Hamilton, and the citizens of Ohio generally, for their munificent hospitality extended to the Legislature and citizens of Tennessee visiting them.

Resolved, That we return our thanks to Capt. Shirley and the officers of the steamer "Jacob Strader," for the

kindness and courtesy extended to the Tennessee delegation going and returning from Louisville to Cincinnati, on their recent excursion.

Resolved, That our thanks are due to the president and directors and officers of the Louisville and Nashville, and the Cincinnati and Little Miami and Hamilton and Dayton Railroads, for their kindness in transporting the representatives and people of Tennessee over their roads going and returning, on the recent excursion.

Resolved, further, That our thanks are due to Nicholas Longworth, for his hospitality.

Resolved, That his excellency, the governor of the State, be requested to forward a copy of these resolutions to the proper authorities above designated.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

B. L. STOVALL,

Speaker of the Senate.

Adopted, February 20, 1860.

NUMBER 26.

Joint Resolution.

Resolved, by the General Assembly of the State of Tennessee, That the Speaker of the House forward to the Governor of Ohio, one hundred and fifty copies of the catalogues of members of the House, and one hundred copies of that of the Senate, for distribution among the members of the Ohio Legislature and public officers, in return for a like favor conferred on this General Assembly; that the Comptroller issue his warrant for an amount to pay express charges on said package.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

B. L. STOVALL,

Speaker of the Senate.

Adopted, February 23, 1860.

NUMBER 27.

A Resolution to rescind the Resolution of Adjournment on the 5th of March.

WHEREAS, It is now apparent that the General Assembly cannot adjourn on the 5th of March without leaving a large amount of important business undisposed of: Therefore,

Be it resolved by the General Assembly of the State of Tennessee, That the Joint Resolution heretofore adopted, fixing the 5th of March as the day of adjournment, be, and the same is hereby rescinded.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

B. L. STOVALL,

Speaker of the Senate.

Adopted, February 28, 1860.

NUMBER 28.

Joint Resolution directing the dismissal of the bills in Chancery, as for the forfeiture of the charters of the Union and Planters' Banks.

Resolved, by the General Assembly of the State of Tennessee, That the bills in equity heretofore filed in the Chancery Court at Nashville, in the name of the State as for the forfeiture of the charters of the Union and Planters' Banks of Tennessee, are hereby directed to be dismissed upon the defendants assuming the costs of said causes respectively.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Adopted, March 12, 1860.

NUMBER 29.

Joint Resolution in regard to direct trade between the Southern States and Europe.

WHEREAS, The people of the Southern and South-western States are deeply interested in the successful

establishment of a direct trade with Europe, that interest having been manifested in various ways, and sympathising in every effort having in view so important a result: Be it therefore,

Resolved, by the General Assembly of the State of Tennessee, That they consider the experiment of establishing a direct foreign trade from southern seaports as a subject of the highest importance, and eminently entitled to the countenance and support both of the people and Legislators of the South, calculated as it will be to build up Southern commerce, to invite capital into the country, to develop its immense agricultural and mineral resources, to add to the value of these products, and to furnish additional markets for their sale; and by these and many other advantages of such a trade to give to the States of the South that commercial independence which they can so easily attain, and which, while adding to the happiness and wealth of the people of the country will tend to give, in these States, that position of equality in the confederacy which should be desired by every patriot and friend to civil liberty.

Be it further resolved, That while the State of Tennessee has a deep interest in the promotion of Southern commerce, and the welfare of her people would be greatly promoted thereby, yet she looks to the older States of the South, bordering on the Atlantic, to take the lead in this great enterprise, pledging them the hearty co-operation of the State of Tennessee, deeming such enterprises a matter in which all are interested, and which all should seek to sustain and promote.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Adopted, March 12, 1860.

NUMBER 80.

Joint Resolution for the relief of R. Stone, security for Pendleton G. Gaines.

WHEREAS, One Pendleton G. Gaines was convicted in the Circuit of Tipton county, on a charge of felony, and sentenced to the penitentiary, appealed to the Supreme Court, at Jackson, West Tennessee, and one Joshua

R. Stone, of Lauderdale county, became his security for his appearance: *And, whereas*, Said Gaines failed to make his appearance, and judgment [REDACTED] said Stone as his security, and has since been made final, for about two thousand dollars: *and, whereas*, said Stone has done everything in his power, to re-capture Gaines, and actually did have him once taken, but he broke custody: *and, whereas*, it is represented that said Stone is an honest, hard-working, poor man, with a large family, and will be ruined if he has this money to pay, and that this is a case of great hardship; therefore—

Be it resolved by the General Assembly of the State of Tennessee, That the Hon. Samuel Williams, Judge of the Circuit for Lauderdale county, be appointed a commissioner, on the part of the State, with full power to hear proof, examine the facts and circumstances of this case, with full power to release any portion or all of said forfeiture: *Provided*, The State shall pay no costs on account of said prosecution, forfeiture or on account of this proceeding; that upon Stone producing to the Clerk of the Supreme Court, at Jackson, the written attest award of said Judge, and complying with the same, and paying all cost, so as to save the State from cost, said clerk is hereby directed to enter said judgment satisfied; the said clerk is hereby directed to suspend any proceedings to collect said judgment until said award, but upon the express terms the State release by this resolution no lien until this matter is satisfied.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Adopted, March 12, 1860.

NUMBER 31.

Joint Resolutions directory to the Attorney General of the State.

WHEREAS, Under the act of 1829, chapter 85, and preceding acts, any person had the right to enter and obtain grants for any quantity of land not exceeding five thousand acres, north and east of the Congressional Reservation line, and north of Tennessee river, on paying office fees, &c.: *And, whereas*, In fraud of the law and in

violation of the rights of other citizens of the State, who have an equal claim upon its bounty, various persons have obtained grants for lands embraced within the provisions of said act, exceeding five thousand acres, in some instances in their own names, and in other cases in the names of other persons, to evade the prohibitory clause of said act of 1829: *And, whereas*, It is the duty of the State to see that equal and impartial justice is done all her citizens; some of them believing the grants thus obtained to be void, entered and obtained other grants; therefore—

Be it resolved by the General Assembly of the State of Tennessee, That the Attorney General for the State, institute in the name of the State of Tennessee, in the Chancery Court in any county in this State, the necessary proceedings to have the entry grants declared void, that may have been procured to be issued in violation of the terms and spirit and meaning of the act of 1829, chapter 85.

2d. *Resolved further*, That the Attorney General be allowed such compensation as the Court trying the cause or causes may deem reasonable, for which the Comptroller will issue his warrant upon the production of the certificate of the Judge or Chancellor.

W. C. WHITTHORNE,

Speaker of the House of Representatives

TAZ. W. NEWMAN,

Speaker of the Senate.

Adopted, March 15, 1860.

NUMBER 32.

Joint Resolutions in regard to School Lands.

WHEREAS, It has been represented to this General Assembly that no school lands were ever set apart for common school purposes in the mountainous portion of that part of the Hiawassie district, which lies within the county of Monroe, upon the waters of Cane Creek and Ball Play Creek as was required by the act of 1819, chapter 59, section 1, and that the whole of said district has been granted by the State; *And, whereas*, The people residing in the said district or township have pre-

serted their petition asking for an appropriation in line of said lands ; therefore—

Be it resolved by the General Assembly of the State of Tennessee, That the Hon. George Brown, John Carson, and Joseph J. Wright be, and they are hereby appointed commissioners to investigate the justice of said claim with power to send for persons and papers, and said commissioners, or any two of them shall report to the next General Assembly, touching the premises ; and they shall also report what is the reasonable value of the school lands to which said fractional township is entitled, and what is the proportionate size of said township, and any other matter they may think necessary and proper, that justice may be done the people of said township.

Resolved, That Hon. George Brown, Samuel Ghormly, David D. Fouts and Dr. James H. Gillespie, be, and they are hereby appointed to examine into similar claims of the citizens of the second fractional township east of the meridian, Hiwassee district, and also in Cade's Cove, and Tuscaloossee Cove, in Blount county ; that said commissioners ascertain what amount of land is due to said citizens, according to act of Congress, and the established cash value of said land ; that said commissioners be, and they are hereby authorized to employ a competent surveyor to determine more definitely the boundaries of such township, aforesaid, as may not be defined with sufficient accuracy ; and that they report to the next General Assembly, the result of their labors, with such recommendations as they may think necessary.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Adopted, March 15, 1860.

NUMBER 33.

(A) Joint Resolution authorizing Joseph Barber, Jr., to act as Agent and Commissioner Belgium.

WHEREAS, The opening of a direct trade with Europe is a matter of importance to the South : And, whereas, The authorities of Memphis have designated Joseph Barber, Jr., as a suitable person to promote the interest of

he State in this important particular; *Be it therefore resolved*, That the Governor of the State is hereby authorized to issue a commission to said Barbiero, or such other person as may be designated by said authorities, authorizing him as commissioner and agent at Brussels, to represent and forward the wishes and interests of our people in procuring direct import and export trade between our State and Belgium, or such other portions of Europe as may be considered advisable: *Provided*, That said Joseph Barbiero, jr., under no circumstances shall have any claim whatever upon the State of Tennessee, either for pay or traveling expenses, or any other expense which may accrue on account of said mission; neither shall the State of Tennessee be responsible for any act of the said Joseph Barbiero, jr., or any other person who may accept said mission.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Adopted, March 15, 1860.

NUMBER 34.

A Joint Resolution relative to the Hermitage Church.

Be it resolved by the General Assembly of the State of Tennessee, That the Governor of the State of Tennessee convey by deed, one acre of the Hermitage tract of land now owned by the State, being the one acre upon which the Hermitage Church is situated, with the hereditaments and appurtenances thereto appertaining, to Wm. Donelson, John Shute, sr., Philip Shute and Timothy Dodson, and their successors, as trustees, for the benefit of the congregation of said Church, forever.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Adopted, March 17, 1860.

NUMBER 35.

Resolutions in regard to the Universities of East Tennessee and Nashville.

Resolved by the General Assembly of the State of Tennessee, That the Judges of the Supreme Court be, and hereby are requested to report to the General Assembly at its next session, the facts in regard to the appropriation of one hundred thousand acres of land by this State to the use of two colleges, under the act of Congress of the 18th of April, 1806, entitled an act to authorize the State of Tennessee to issue grants and perfect titles to certain land therein described, and to settle claims to the vacant and unappropriated lands within the same.

Resolved, That said judges be, and hereby are requested to accompany said report aforesaid, with a statement of their opinion as to the equitable right of the University of East Tennessee, and the University of Nashville to further compensation on account of said one hundred thousand acres of land.

W. C. WHITTHORNE,

Speaker of the House of Representatives

TAZ. W. NEWMAN,

Speaker of the Senate

Adopted, March 19, 1860.

NUMBER 36.

A joint resolution providing for the number of Acts and Journals of the Legislature 1859-60, to be printed for distribution.

1. *Be it resolved by the General Assembly of the State of Tennessee,* That there shall be printed of the Acts of the present session of the Legislature, for distribution among the several counties in this State, as follows: For every Justice of the Peace, one copy; for each Sheriff, one copy; for each Circuit Court Clerk, one copy; for each County Court Clerk, one copy; for each Clerk and Master of the Chancery Court, one copy; for each County Trustee, County Register, Coroner, Ranger, Entry Taker, Surveyor, and Poor House Commissioner, one copy; for the use of the trustees of academies in each county, one copy. One copy of the Acts and Journals for each of the Clerks and Doorkeepers of this House and Senate.

2. *Be it further resolved,* That there shall also be printed for distribution as aforesaid, one copy of the Journals of each branch of the Legislature for each civil district in each county in this State, to wit:

Counties.	No. of Acts.	No. of S. J.	No. of H. J.	Counties.	No. of Acts.	No. of S. J.	No. of H. J.
Anderson,	32	11	11	Washington,	47	18	18
Bedsoe,	39	14	14	Grundy,	31	10	10
Bount,	45	17	17	Hardin,	39	14	14
Bradley,	37	13	13	Hickman,	44	15	15
Campbell,	39	14	14	Humphreys,	35	12	12
Carter,	33	11	11	Jackson,	48	18	18
Clayborne,	35	12	12	Lawrence,	42	15	15
Cocke,	35	12	12	Lewis,	39	11	11
Cedford,	50	19	19	Lincoln,	65	25	25
Cannon,	35	12	12	Maury,	64	25	25
Cumberland,	30	10	10	Montgomery,	51	24	24
Cheatham,	35	12	12	Marshall,	42	15	15
Coffee,	38	13	13	Macon,	35	12	12
Davidson,	68	24	24	Overton,	41	14	14
DeKalb,	43	16	16	Putnam,	43	16	16
Hancock,	39	14	14	Sequatchie,	27	8	8
Jefferson,	45	16	16	Robertson,	45	17	17
Johnson,	31	10	10	Rutherford,	61	25	25
Knox,	52	19	19	Smith,	55	22	22
McMinn,	46	17	17	Dyer,	39	14	14
Meigs,	27	8	8	Fayette,	43	15	12
Marion,	37	13	13	Gibson,	56	21	21
Monroe,	51	20	20	Hardeman,	45	17	17
Morgan,	35	12	12	Henderson,	54	21	21
Polk,	31	10	10	Henry,	51	20	20
Rhea,	32	10	10	Haywood,	45	17	17
Roane,	46	16	16	Lauderdale,	32	10	10
Stewart,	35	12	12	McNairy,	43	16	16
Sumner,	50	19	19	Benton,	31	10	10
Wilson,	65	25	25	Carroll,	51	19	19
Van Buren,	31	10	10	Decatur,	33	11	11
Warren,	43	16	16	Dickson,	35	12	12
Wayne,	47	17	17	Fentress,	35	12	12
White,	37	13	13	Franklin,	44	16	16
Williamson,	59	24	24	Giles,	55	26	20
Grainger,	43	16	16	Madison,	47	18	18
Green,	63	25	25	Obion,	37	13	13
Hawkins,	46	17	17	Perry,	33	11	11
Hamilton,	49	18	18	Shelby,	40	14	14
Sevier,	35	12	12	Tipton,	37	13	13
Scott,	35	12	12	Weakley,	48	18	18
Sullivan,	47	18	18	Union,	30	12	12

8. *Be it further resolved*, That there shall also be printed and bound for each member of the Senate and House of Representatives, one copy of the Acts and one copy of the Journals, both of the House of Representatives and the Senate; for the office of the Secretary of State, two hundred copies of the Acts and fifty bound copies of the Journal of each House; for each department of the Government of the United States and for the United States Library, one copy of the Acts; for each Judge of the Supreme Court, for each Judge of the Circuit Court, for each Judge of the Criminal Court, for each Chancellor, for each County Judge, in the State, one copy of the Acts; for each of the Supreme and Criminal Court Clerks, one copy of the acts; for each Attorney General, one copy of the Acts; for the Treasurer and Comptroller, one copy of the Acts; and for each State and Territory, and the District of Columbia, two of copies of the Acts.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Adopted, March 19, 1860.

NUMBER 87.

Joint Resolution to tender the use of the Representative Hall to the National Division of the Sons of Temperance.

Be it resolved by the General Assembly of the State of Tennessee, That the use of the Representative Hall be tendered to the National Division of the Sons of Temperance of North America, to hold its session of 1861.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Adopted, March 19, 1860.

NUMBER 38.

Joint Resolution instructing our Senators and requesting our Representatives in Congress assembled, to use all constitutional means to procure an act, granting appropriations from the National Treasury, or a donation of Lands, to Levee the Eastern Bank of the Mississippi River from Hickman, in the State of Kentucky, to the mouth of Wolf River, in the State of Tennessee.

WHEREAS, under the operations of a Law passed by Congress, granting large donations of lands to the States of Missouri and Arkansas, and to companies for the building of Levees along the Western bank of the Mississippi River; and whereas, the construction of said Levees have caused the waters of said river to inundate large and valuable tracts of land in Kentucky and Tennessee hitherto above the overflow of said river, and also covered to a much greater depth large and rich bodies of fertile lands, thereby rendering the same useless and untenable that were not so by the natural overflow of said river; as an act of justice to the citizens of Kentucky and Tennessee, therefore,

Be it resolved by the General Assembly of the State of Tennessee, That our Senators be instructed, and our Representatives in Congress be requested to secure by all constitutional means, by an act of Congress, an appropriation of money out of the Public Treasury, not otherwise appropriated, or donation of lands out of the public domain, not otherwise appropriated, of sufficient amount to Levee the Eastern Bank of the Mississippi River, from Hickman, in the State of Kentucky, to the mouth of Wolf River, in the State of Tennessee, so as to prevent more damages from the overflow of said river than would have occurred from the natural overflow of the same, and that the application be placed on the express ground that the lands or money bestowed is given as compensation for injury done to the lands of Kentucky and Tennessee by action of the Federal Government.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Adopted, March 19, 1860.

NUMBER 39.

Resolution to adjourn *sine die* on Monday 26, inst.

WHEREAS, A number of important bills are yet undisposed of by this General Assembly, which cannot be disposed of properly, except upon mature and deliberate consideration: Therefore,

Be it resolved, by the General Assembly of the State of Tennessee, That we adjourn sine die. on Monday, the 26th inst., at 12 o'clock.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Adopted, March 21, 1860.

NUMBER 40.

Joint Resolution to construe Joint Resolution heretofore passed directing the dismissal of the suits against the Planters and Union Banks for the forfeiture of their charters

Resolved by the General Assembly of the State of Tennessee, That the word "cost" in the resolution directing the dismissal of the suits against the Union and Planters' Banks to have the charters declared forfeited, be so construed as to embrace reasonable counsel fees to Wm. B. Bate, Esq., Solicitor and Counsellor for the State in said suit.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Adopted, March 22, 1860.

NUMBER 41.

Joint Resolution requesting Senators and Representatives in Congress.

WHEREAS, Under the continued aggressions of the Abolition party, the Slavery question has for the last forty years been distracting the happiness of the people of

the Southern States, and affording an opportunity for Northern fanatics to steal the Slaves of the Southern owner, and transport them beyond the limits of the United States; and whereas the British Provinces lying on our Northern border—owned and controlled by the kingdom of Great Britain, has become a harbor for such slaves as have escaped and been stolen from the Southern States: *And whereas*, There are now supposed to be within those Provinces one hundred millions of dollars worth of slave property justly belonging to the Southern owner, who is prevented from reclaiming such property for the want of treaty stipulations with the Kingdom aforesaid for the rendition of fugitives.

Therefore be it resolved by the General Assembly of the State of Tennessee, That our Senators and Representatives in the Congress of the United States, be, and they hereby requested to use every legitimate effort to procure the negotiation and ratification of a treaty with the kingdom of Great Britain, for the rendition of fugitive slaves from labor.

And resolved further, That the Governor is hereby requested to transmit a copy of these resolutions to each of our Senators and Representatives in Congress.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Adopted, March 23, 1860.

NUMBER 42.

Joint resolution on States' rights.

Resolved, That the General Assembly of Tennessee recognizing in our present relations with the non-slaveholding States, an imperative necessity for decisive measures, does not yet distrust the capacity of the Southern States, a wise and firm exercise of their reserved powers to protect the rights and liberties of the people, and to preserve the Union, the Constitution, and the Laws. For this purpose we earnestly desire the concerted action of the Southern States, but the General

Assembly respectfully submit, for the consideration of South Carolina and her sister States of the South, that the most efficient policy for preserving our liberties and the Union, the Constitution and the laws, will be found in such direct legislative action upon the part of the Southern States as may be necessary, and by offering united opposition at all times to the sectional party, known as the Black Republican party, and that such a line of policy is more likely to obtain the great end in view, than the agency of an assemblage which can exercise no powers, except to debate and advise.

Resolved, therefore, That in the opinion of the General Assembly it is inexpedient to appoint deputies to the conference proposed by South Carolina.

Resolved, That the Governor of this State be requested to communicate the foregoing resolutions to the Governor of the State of South Carolina, and the Governors of the other slaveholding States.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Adopted, March 23, 1860.

NUMBER 43.

Joint resolution in regard to a marble statue of James Robertson.

WHEREAS, It is intimated that the descendants of Gen. James Robertson, one of the early pioneers of Tennessee, are desirous of occupying one of the niches in the capitol with a marble statue of said Robertson.

Be it therefore resolved by the General Assembly of the State of Tennessee, That they have the privilege of occupying such one of such niches as they and the Commissioners of the capitol can agree upon, with a marble statue of said Gen. James Robertson,

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Adopted, March 23, 1860.

NUMBER 44.

Joint resolution in relation to the removal of the State Penitentiary, at Nashville; and establishing a Branch in East Tennessee.

Resolved by the General Assembly of the State of Tennessee, That the Governor of the State, in connection with the Comptroller, Treasurer and the Inspectors of the Penitentiary, take into consideration the propriety of removing the Penitentiary from its present location; and should they deem it advisable and proper to remove the same, that they select a suitable site for said Penitentiary somewhere in the State, having due regard to accessibility, health, material for constructing the building, supplies for the support of the inmates, necessary supplies to be worked up by the convicts, &c.; and that they take into consideration the propriety of establishing a Branch of said Institution in East Tennessee, for the purpose of marble in that section of the country; and that the Governor report the result of their investigation, with such suggestions and recommendations as he may deem right and proper, to the next session of the Tennessee Assembly.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Adopted, March 24, 1860.

NUMBER 45.

Joint Resolution directory to the Comptroller.

Resolved, by the General Assembly of the State of Tennessee, That the Comptroller of the Treasury issue his warrant to the Trustee of Wayne county, in pursuance of a Resolution adopted the 16th day of February, 1854, for the amount in favor of said county after deducting the amount said county received from the State, from the amount said county paid to the Superintendent and his agent, including the amount withheld from said county, as shown by their report.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN.

Speaker of the Senate.

Adopted, March 24, 1860.

NUMBER 46.

Resolution directory to the Secretary of State,

Resolved, by the General Assembly of the State of Tennessee, That the Secretary of State be, and he is hereby authorized and instructed to have printed for the use of the members of the General Assembly, five hundred captions of the acts passed at this session.

W. C. WHITTHORNE,
Speaker of the House of Representatives.
 TAZ. W. NEWMAN,
Speaker of the Senate.

Adopted, March 24, 1860.

NUMBER 47.

Joint Resolutions in relation to our Commercial Relations with France.

Resolved by the General Assembly of the State of Tennessee, That the President of the United States be respectfully requested to instruct our Minister at the Court of France, to use his best exertions to procure a reduction on the rates of duty now imposed by the French Government on the agricultural products of the United States, and especially of those duties now imposed upon provisions and bread stuffs.

Resolved, That the Governor of the State be requested to transmit two copies of these resolutions to the President of the United States, with a request that one of them be forwarded to the American minister at Paris.

W. C. WHITTHORNE,
Speaker of the House of Representatives.
 TAZ. W. NEWMAN,
Speaker of the Senate.

Adopted, March 24, 1860.

NUMBER 48.

Joint Resolution to authorize the Treasurer to take charge of the Senate Chamber, Representatives' Hall and Committee Rooms, and the furniture belonging thereto.

Resolved, by the General Assembly of the State of Tennessee, That the Treasurer at the close of this session shall have charge of the Senate Chamber, House of Representatives, and Committee Rooms, and cause all stationery, furniture and other articles belonging to said halls to be carefully preserved for the use of the next General Assembly, and shall be allowed by the Comptroller all necessary expenses incurred in preserving the same, and a reasonable compensation for his services.

W. C. WHITTHORNE,

Speaker of the House of Representatives.

TAZ. W. NEWMAN,

Speaker of the Senate.

Adopted, March 24, 1860.

SECRETARY OF STATE'S OFFICE }
Nashville, June 21, 1860. }

I, J. E. R. RAY, Secretary of State, hereby certify that I have carefully collated the foregoing Acts and Resolutions with the originals on file in my office, and find them correct copies thereof.

J. E. R. RAY,
Secretary of State.

ERRATUM.—The 52d Chapter of the Private Acts contains 8 sections, the original Act but 7. The additional section is composed of portions of the 6th and 7th sections, and was printed through mistake.

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